

**Effective 5/7/2025**

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

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

As used in this part:

- (1)
  - (a) "Individual with a severe intellectual disability" means an adult who:
    - (i) has lifelong functional limitations to the extent that the adult is incapacitated; and
    - (ii) has received a diagnosis from a physician or psychologist of a severe intellectual disability that has existed since the adult was a minor.
  - (b) "Individual with a severe intellectual disability" does not include an adult who had capacity at one time or may regain capacity.
- (2) "Petitioner" means the person who brings a petition for guardianship under this part.
- (3) "Physician" means an individual:
  - (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or
  - (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- (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.
- (5) "Remotely" means a participant will appear by video conference or other electronic means approved by the court.
- (6) "Respondent" means the adult who is alleged to be an individual with a severe intellectual disability.

Enacted by Chapter 543, 2025 General Session

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

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

Enacted by Chapter 543, 2025 General Session

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

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

- (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;
  - (d) receive information about guardianships from the court; and
  - (e) be treated with respect and dignity.
- (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:
- (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;
  - (b) receive a copy of all documents filed in court regarding the guardianship;
  - (c) receive information about guardianships from the court;
  - (d) ask questions and express concerns or complaints about a guardian and the actions of a guardian to the court;
  - (e) to the extent practicable, receive timely, effective, and appropriate health care and medical treatment that does not violate the adult's rights;
  - (f) have all services provided by a guardian at a reasonable rate of compensation;
  - (g) have a court review any request for payment by a guardian to avoid excessive or unnecessary fees or duplicative billing; and
  - (h) receive prudent financial management of the adult's property, including Supplemental Security Income and Supplemental Security Disability Insurance.
- (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.

Enacted by Chapter 543, 2025 General Session

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

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

- (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.
- (6) The respondent shall:
  - (a) be present at any hearing on the petition; or
  - (b) hear all evidence bearing upon the respondent's condition.
- (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.

Enacted by Chapter 543, 2025 General Session

**75-5-605 Notices for guardianship proceedings.**

- (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:
  - (a) the adult and the adult's parents;
  - (b) any person who is serving as guardian or conservator or who has care and custody of the adult;
  - (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
  - (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.
- (2) A notice described in Subsection (1) shall:
  - (a) be in plain language and large type and in a form with final approval of the Judicial Council;
  - (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 court appointed counsel, and a copy of the petition;
  - (c) be served personally on:
    - (i) the adult described in Subsection (1); and
    - (ii) the adult's parents if the adult's parents can be found within the state; and
  - (d) be served in accordance with Section 75-1-401 on:
    - (i) the adult's parents if the adult's parents cannot be found within the state; and
    - (ii) any other person that is required to be served notice under Subsection (1).

Enacted by Chapter 543, 2025 General Session

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

- (1)
  - (a) Except as provided in Subsection (2), the court shall appoint an attorney to represent a respondent on a petition for guardianship unless the respondent has counsel of the respondent's own choice.
  - (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.
- (2) Counsel for a respondent is not required under Subsection (1) if:
  - (a) the respondent is the child, grandchild, or sibling of the petitioner;

- (b) the value of the respondent's entire estate does not exceed \$2,000 as established by an affidavit from the petitioner;
  - (c) the respondent appears in court with the petitioner in-person or remotely;
  - (d) the respondent is given the opportunity to communicate, to the extent possible, the respondent's acceptance of the appointment of a guardian; and
  - (e) the court is satisfied that counsel is not necessary in order to protect the interests of the respondent.
- (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.
- (4) The legal representation of the respondent by an attorney shall terminate upon the appointment of a guardian, unless:
- (a) there are separate conservatorship proceedings still pending before the court subsequent to the appointment of a guardian;
  - (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
  - (c) the court orders otherwise upon an express finding of good cause.

Enacted by Chapter 543, 2025 General Session

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

- (1)
- (a) The court may appoint a physician, a psychologist, or a physician assistant to examine the respondent.
  - (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.
- (2) The court may appoint a court visitor to:
- (a) interview the individual seeking appointment as guardian of the respondent;
  - (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
  - (c) conduct other investigations or observations as directed by the court.

Enacted by Chapter 543, 2025 General Session

**75-5-608 Emergency or temporary guardian.**

- (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.
  - (b) The court may, without notice, appoint an emergency guardian for an individual with a severe intellectual disability for a specified period not to exceed 30 days pending notice and a hearing if:
    - (i) an appointed guardian for the individual is not effectively performing the guardian's duties; and
    - (ii) the court further finds that the welfare of the respondent or individual requires immediate action.

- (c) Upon request by an interested person after the appointment of an emergency guardian under Subsection (1)(a) or (b), the court shall hold a hearing within 14 days in accordance with Section 75-5-604.
- (2) If the court finds good cause after notice and hearing under Sections 75-5-604 and 75-5-605, the court may:
  - (a) appoint a temporary guardian;
  - (b) convert an emergency guardian to a temporary guardian if an emergency guardian has been appointed under Subsection (1); or
  - (c) appoint a different person as temporary guardian to replace an emergency guardian appointed under Subsection (1).
- (3) Unless the respondent or individual with a severe intellectual disability has already obtained or been appointed counsel or an attorney is not required as described in Section 75-5-606, the court shall appoint an attorney to represent the respondent or individual.
- (4) Until a full hearing and further order of the court, the temporary guardian:
  - (a) shall be charged with the care and custody of the respondent or individual with a severe intellectual disability; and
  - (b) may not permit the respondent or individual with a severe intellectual disability to be removed from the state.
- (5) The authority of any permanent guardian previously appointed by the court is suspended so long as a temporary guardian has authority.
- (6) A temporary guardian may be removed at any time, and shall obey all orders and make any reports required by the court.
- (7) A temporary guardian has all of the powers and duties of a permanent guardian as set forth in Section 75-5-611.

Enacted by Chapter 543, 2025 General Session

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

- (1) The court may appoint a guardian for a respondent if the court finds:
  - (a) the respondent is an individual with a severe intellectual disability; and
  - (b) the appointment of a guardian is necessary or desirable as a means of providing continuing care to the respondent.
- (2) If the court appoints a guardian as described in Subsection (1), the court shall:
  - (a) appoint a guardian for the respondent in accordance with Section 75-5-610;
  - (b) prefer a full guardianship for the respondent; and
  - (c) specify in the order of appointment that:
    - (i) the respondent is an individual with a severe intellectual disability; and
    - (ii) the respondent does not have capacity to execute or consent to any contract or written agreement.
- (3)
  - (a) If the court orders a limited guardianship for a respondent:
    - (i) the respondent is entitled to the rights described in Section 75-5-301.5 for an incapacitated person; and
    - (ii) the court shall state the limitations of the guardianship and the rights to which the respondent is entitled in the order of appointment.
- (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 whom the guardian must notify of any significant health care or treatment received by the individual.

- (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.
  - (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.
- (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.
- (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.

Enacted by Chapter 543, 2025 General Session

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

- (1) 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:
  - (a) a parent of the individual with a severe intellectual disability;
  - (b) an adult sibling of the individual with a severe intellectual disability;
  - (c) a grandparent of the individual with a severe intellectual disability;
  - (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;
  - (e) one of the closest adult relatives of the individual if any can be found;
  - (f) a specialized care professional, so long as the specialized care professional does not:
    - (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
    - (ii) otherwise have a conflict of interest in providing those services;
  - (g) a competent person or suitable institution; or
  - (h) the Office of Public Guardian described in Title 26B, Chapter 6, Part 3, Office of Public Guardian.
- (2) The court may appoint more than one person as guardian for the individual with a severe intellectual disability.
- (3) If the court appoints coguardians for an individual with a severe intellectual disability:
  - (a) the coguardians shall share legal decision-making for the individual with a severe intellectual disability; and
  - (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.

Enacted by Chapter 543, 2025 General Session

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

- (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.
- (2)
  - (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.
  - (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.
- (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.
  - (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.
- (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.
- (5) If a guardian has custody of the individual with a severe intellectual disability under Subsection (4), the guardian:
  - (a) may establish the individual's place of residence within, or outside of, this state; and
  - (b) shall provide for the care, comfort, and maintenance of the individual and arrange for the individual's training and education whenever appropriate.
- (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.
- (7) A guardian of the individual with a severe intellectual disability may:
  - (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;
  - (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
  - (c) restrict the individual from taking or consuming:
    - (i) a drug, as defined in Section 58-17b-102, that has not been prescribed to the individual;
    - (ii) a tobacco product, an electronic cigarette product, or a nicotine product, as those terms are defined in Section 76-9-1101;
    - (iii) alcohol;
    - (iv) pornography; or
    - (v) a legal substance or activity that would be harmful to the health and wellbeing of the individual.
- (8)
  - (a) A guardian of the individual with a severe intellectual disability shall:
    - (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;
    - (ii) immediately notify persons who request notification and are not restricted in associating with the individual of:

- (A) the individual's admission to a hospital for three or more days or to a hospice program;
- (B) the individual's death; or
- (C) the arrangements for the disposition of the individual's remains;
- (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:
  - (A) the guardian's own observations; or
  - (B) information from the individual's physician or other medical care providers; and
- (iv) provide the court with a current address of an individual if the guardian moves the individual.
- (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.
- (9) If a conservator has not been appointed for the estate of the individual with a severe intellectual disability, a guardian may:
  - (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;
  - (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:
    - (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
    - (ii) the guardian shall manage the individual's money and property in a prudential manner to ensure that the individual qualifies for disability benefits.
- (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:
    - (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
    - (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.
  - (b) An accounting report under Subsection (10)(a) shall include a statement regarding:
    - (i) all assets at the beginning and end of the reporting year;
    - (ii) any income received during the year;
    - (iii) any disbursements for the support of the individual with a severe intellectual disability;
    - (iv) any investments or trusts that are held for the individual's benefit;
    - (v) any expenditures or fees charged to the individual's estate; and
    - (vi) any other expenses incurred by the individual's estate.
  - (c) The court may require additional information in an accounting report under Subsection (10)(a).
    - (a).
  - (d) The Judicial Council shall approve forms for the accounting reports described in Subsection (10)(a).
  - (e) An annual accounting report under Subsection (10)(a) shall be examined and approved by the court.
  - (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).
  - (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.
- (ii) The report under Subsection (10)(g)(i) shall be examined and approved by the court.
- (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).
- (11) If a conservator has been appointed for the estate of the individual with a severe intellectual disability, a guardian shall:
  - (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;
  - (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
  - (c) account to the conservator for funds expended to meet current expenses for support, care, and education of the individual.
- (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.
- (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).
  - (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.
- (14)
  - (a) The court may impose a penalty in an amount not to exceed \$5,000 if a guardian:
    - (i) makes a substantial misstatement on filings of annual reports;
    - (ii) is guilty of gross impropriety in handling the property of the individual with a severe intellectual disability; or
    - (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.
  - (b) The court may order restitution of funds misappropriated from the estate of the individual with a severe intellectual disability.
  - (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.
- (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.

Enacted by Chapter 543, 2025 General Session

**75-5-612 Removal or resignation of a guardian.**

- (1) On a petition of resignation from a guardian of an individual with a severe intellectual disability, the court may:
  - (a) accept the guardian's resignation; or
  - (b) make any other order that is appropriate.
- (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:
  - (a) the guardian obtained the appointment by fraud, deceit, or gross misrepresentation;
  - (b) the guardian fails to perform the guardian's duties or responsibilities described in:
    - (i) Section 75-5-611 if the individual is in full guardianship; or
    - (ii) Section 75-5-312 if the individual is in a limited guardianship;
  - (c) the guardian is unable to perform the guardian's duties or responsibilities due to incapacity or illness;
  - (d) the guardian fails to use reasonable care and diligence in the management of the individual's estate;
  - (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;
  - (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
  - (g) removal of the guardian would be in the best interest of the individual.
- (3) If the court removes a guardian under Subsection (2), the court may:
  - (a) appoint a successor guardian; or
  - (b) make any other order that is appropriate.
- (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.
- (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.

Enacted by Chapter 543, 2025 General Session

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

- (1)
  - (a) An individual with a severe intellectual disability, or any person interested in the individual's welfare, may petition for an order:
    - (i) that the individual is not an individual with a severe intellectual disability; and
    - (ii) for removal or resignation of the guardian in accordance with Section 75-5-612.
  - (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.
  - (c) A request for the order described in this Subsection (1) may be made by informal letter to the court.
  - (d) Any person who knowingly interferes with a request described in Subsection (1)(a) may be sanctioned by the court.

- (2) Notwithstanding Subsection (1), the authority and responsibility of a guardian for an individual with a severe intellectual disability terminates upon:
  - (a) the death of the guardian or the individual;
  - (b) the determination that the guardian is incapacitated; or
  - (c) the removal or resignation of the guardian in accordance with Section 75-5-612.
- (3) Resignation of a guardian does not terminate the guardianship until the resignation has been approved by the court.
- (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.
- (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.

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