

Effective 5/5/2021

75-5-207 Court appointment of guardian of minor -- Procedure.

- (1) Notice of the time and place of hearing of a petition for the appointment of a guardian of a minor is to be given by the petitioner in the manner prescribed by Section 75-1-401 to:
 - (a) the minor, if the minor is 14 years old or older;
 - (b) the person who has had the principal care and custody of the minor during the 60 days preceding the date of the petition;
 - (c) any living parent of the minor;
 - (d) any guardian appointed by the will or written instrument of the parent of the minor who died last; and
 - (e) the school district in which the petitioner resides and a representative of the school district may participate in the hearing.
- (2)
 - (a) After a hearing, a court may appoint a guardian if the court finds by preponderance of the evidence that:
 - (i) a qualified person seeks appointment;
 - (ii) venue is proper;
 - (iii) the required notices have been given;
 - (iv) the requirements of Sections 75-5-204 and 75-5-206 have been met; and
 - (v) the welfare and best interests of the minor will be served by the requested appointment.
 - (b) In other cases the court may dismiss the proceedings or make any other disposition of the matter that will best serve the interest of the minor.
- (3)
 - (a) If necessary, the court may appoint a temporary guardian, with the status of an ordinary guardian of a minor.
 - (b) The authority of a temporary guardian may not last longer than six months.
- (4) If, at any time in the proceeding, the court determines that the interests of the minor are or may be inadequately represented, it may appoint an attorney to represent the minor, giving consideration to the preference of the minor if the minor is 14 years old or older.

Amended by Chapter 287, 2021 General Session