

Effective 5/7/2025

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