

Part 1 General Provisions

75-5b-101 Title.

This chapter is known as the "Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act."

Enacted by Chapter 253, 2008 General Session

75-5b-102 Definitions.

In this chapter:

- (1) "Adult" means an individual who has attained 18 years of age.
- (2) "Conservator" means a person appointed by the court to administer the property of an adult, including a person appointed under Title 75, Chapter 5, Part 4, Protection of Property of Persons Under Disability and Minors.
- (3) "Emergency" means circumstances that likely will result in substantial harm to a respondent's health, safety, or welfare, and in which the appointment of a guardian is necessary because no other person has authority to and is willing to act on the respondent's behalf.
- (4) "Guardian" means a person appointed by the court to make decisions regarding the person of an adult, including a person appointed under Title 75, Chapter 5, Part 3, Guardians of Incapacitated Persons.
- (5) "Guardianship order" means an order appointing a guardian.
- (6) "Guardianship proceeding" means a proceeding in which an order for the appointment of a guardian is sought or has been issued.
- (7) "Home state" means the state in which the respondent was physically present for at least six consecutive months immediately before the filing of a petition for the appointment of a guardian or protective order. A period of temporary absence counts as part of the six-month period.
- (8) "Incapacitated person" means an adult for whom a guardian has been appointed.
- (9) "Party" means the respondent, petitioner, guardian, conservator, or any other person allowed by the court to participate in a guardianship or protective proceeding.
- (10) "Person," except in the terms "incapacitated person" or "protected person," means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government or governmental subdivision, agency or instrumentality, public corporation, or any other legal or commercial entity.
- (11) "Protected person" means an adult for whom a protective order has been made.
- (12) "Protective order" means an order appointing a conservator or another court order related to management of an adult's property.
- (13) "Protective proceeding" means a judicial proceeding in which a protective order is sought or has been issued.
- (14) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (15) "Respondent" means an adult for whom a protective order or the appointment of a guardian is sought.
- (16) "Significant-connection state" means a state, other than the home state, with which a respondent has a significant connection other than mere physical presence and in which substantial evidence concerning the respondent is available.

- (17) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

Enacted by Chapter 253, 2008 General Session

75-5b-103 International application.

A court of this state may treat a foreign country as if it were a state for the purpose of applying Part 1, General Provisions, Part 2, Jurisdiction, Part 3, Transfer of Jurisdiction, and Part 5, Miscellaneous Provisions.

Enacted by Chapter 253, 2008 General Session

75-5b-104 Communication between courts.

- (1) A court of this state may communicate with a court in another state concerning a proceeding arising under this chapter. The court may allow the parties to participate in the communication. Except as otherwise provided in Subsection (2), the court shall make a record of the communication. The record may be limited to the fact that the communication occurred.
- (2) Courts may communicate concerning schedules, calendars, court records, and other administrative matters without making a record.

Enacted by Chapter 253, 2008 General Session

75-5b-105 Cooperation between courts.

- (1) In a guardianship or protective proceeding in this state, a court of this state may request the appropriate court of another state to do any of the following:
- (a) hold an evidentiary hearing;
 - (b) order a person in that state to produce evidence or give testimony pursuant to procedures of that state;
 - (c) order that an evaluation or assessment be made of the respondent;
 - (d) order any appropriate investigation of a person involved in a proceeding;
 - (e) forward to the court of this state a certified copy of the transcript or other record of a hearing under Subsection (1)(a) or any other proceeding, any evidence otherwise produced under Subsection (1)(b), and any evaluation or assessment prepared in compliance with an order under Subsection (1)(c) or (d);
 - (f) issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; and
 - (g) issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including protected health information as defined in 45 Code of Federal Regulations Section 164.504.
- (2) If a court of another state in which a guardianship or protective proceeding is pending requests assistance of the kind provided in Subsection (1), a court of this state has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

Enacted by Chapter 253, 2008 General Session

75-5b-106 Taking testimony in another state.

- (1) In a guardianship or protective proceeding, in addition to other procedures that may be available, testimony of a witness who is located in another state may be offered by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a witness be taken in another state and may prescribe the manner in which and the terms upon which the testimony is to be taken.
- (2) In a guardianship or protective proceeding, a court in this state may permit a witness located in another state to be deposed or to testify by telephone, audiovisual, or other electronic means. A court of this state shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.
- (3) Documentary evidence transmitted from another state to a court of this state by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the best evidence rule.

Enacted by Chapter 253, 2008 General Session