

Effective 5/10/2016

75-9-116 Judicial relief.

- (1) The following persons may petition a court to construe a power of attorney or review the agent's conduct and grant appropriate relief:
 - (a) the principal or the agent;
 - (b) a guardian, conservator, or other fiduciary acting for the principal;
 - (c) a person authorized to make health care decisions for the principal;
 - (d) the principal's spouse, parent, or descendant;
 - (e) an individual who would qualify as a presumptive heir of the principal;
 - (f) a person named as a beneficiary to receive any property, benefit, or contractual right on the principal's death or as a beneficiary of a trust created by or for the principal that has a financial interest in the principal's estate;
 - (g) a governmental agency having regulatory authority to protect the welfare of the principal;
 - (h) the principal's caregiver or another person that demonstrates sufficient interest in the principal's welfare; and
 - (i) a person asked to accept the power of attorney.
- (2) Upon motion by the principal, the court shall dismiss a petition filed under this section, unless the court finds that the principal lacks capacity to revoke the agent's authority or the power of attorney.

Enacted by Chapter 256, 2016 General Session