

Effective 1/1/2026

75A-9-105 Judicial review of finding of lack of capacity.

- (1) An individual found under Subsection 75A-9-103(2) to lack capacity, a responsible health care professional, the health care institution providing health care to the individual, or a person interested in the welfare of the individual may petition the court in the county in which the individual resides or is located to determine whether the individual lacks capacity.
- (2)
 - (a) The court in which a petition under Subsection (1) is filed shall appoint legal counsel to represent the individual if the individual does not have legal counsel.
 - (b) The court shall hear the petition as soon as possible.
 - (c) As soon as possible the court shall determine whether the individual lacks capacity.
 - (d) The court may determine the individual lacks capacity only if the court finds by clear and convincing evidence that the individual lacks capacity.

Enacted by Chapter 439, 2025 General Session