

**RECOGNITION OF NON-COURT ORDERED  
GUARDIANSHIPS**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Sheryl L. Allen**

AN ACT RELATING TO GUARDIANSHIPS; PROVIDING THAT A DOCUMENT ISSUED BY OTHER THAN A COURT OF LAW WHICH PURPORTS TO AWARD GUARDIANSHIP TO A PERSON WHO IS NOT A LEGAL RESIDENT OF THE JURISDICTION IN WHICH THE GUARDIANSHIP IS AWARDED IS NOT VALID IN THE STATE UNTIL REVIEWED AND APPROVED BY A UTAH COURT; AND PROVIDING AN APPROVAL PROCEDURE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**75-5-201**, as enacted by Chapter 150, Laws of Utah 1975

ENACTS:

**53A-2-203.5**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53A-2-203.5** is enacted to read:

**53A-2-203.5. Recognition of guardianship.**

(1) A document issued by other than a court of law which purports to award guardianship to a person who is not a legal resident of the jurisdiction in which the guardianship is awarded is not valid in the state of Utah until reviewed and approved by a Utah court.

(2) The procedure for obtaining approval under Subsection (1) is the procedure required under Title 75, Chapter 5, Part 2, for obtaining a court appointment of a guardian.

Section 2. Section **75-5-201** is amended to read:

**75-5-201. Status of guardian of minor -- General.**

(1) (a) A person becomes a guardian of a minor by acceptance of a testamentary appointment, through appointment by a local school board under Section 53A-2-202, or upon appointment by the court.

(b) The guardianship status continues until terminated, without regard to the location from time to time of the guardian and minor ward.

(2) (a) A document issued by other than a court of law which purports to award guardianship to a person who is not a legal resident of the jurisdiction in which the guardianship is awarded is not valid in the state of Utah until reviewed and approved by a Utah court.

(b) The procedure for obtaining approval of a guardianship under Subsection (2)(a) shall be identical to the procedure required under this part for obtaining a court appointment of a guardian.