

30 physical, mental, moral, and emotional health needs.

31 (2) Except as provided in Subsection (3), the court shall appoint a person nominated
32 by the minor, if the minor is 14 years of age or older, unless the court finds the appointment
33 contrary to the best interests of the minor.

34 (3) The court may deny the appointment of a guardian for a minor of school age if it
35 finds that:

36 (a) if the minor is older than 11 years of age:

37 (i) the minor has not secured a certificate from the local police authority in the
38 jurisdiction where the minor has lived during the past two years stating that there have been no
39 criminal charges filed against the minor and the minor is not the subject of a criminal
40 investigation in that jurisdiction and given a copy of the certificate to the superintendent of the
41 school district in which the minor would attend school in Utah; or

42 (ii) a release has not been given by or on behalf of the minor to the superintendent of
43 the school district in which the minor would attend school in Utah within a reasonable time
44 prior to the guardianship hearing, allowing the superintendent full access to all criminal
45 records of the minor in those jurisdictions outside the state where the minor has resided during
46 the previous two years, which release remains part of the minor's school records together with
47 verification of residence for the previous two years, except that information disclosed in the
48 criminal records may not be made a part of the minor's school record;

49 (b) the school district has proven by a preponderance of the evidence that the primary
50 purpose for the guardianship is to avoid the payment of tuition, which a school district may
51 assess against a nonresident for attendance at a Utah public school; or

52 (c) after consideration of relevant evidence, including any presented by the school
53 district in which the petitioner resides, the minor's behavior indicates an ongoing
54 unwillingness to abide by applicable law or school rules.

55 (4) If a school district files an objection for reasons described in Subsection (3)(b), and
56 the court does not find in favor of the school district, the court may award the petitioner
57 attorney fees and costs if the court finds that the school district's arguments lack a reasonable

58 basis in law or fact.