

PROBATE CODE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kelly B. Miles

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill amends probate related provisions.

Highlighted Provisions:

This bill:

- ▶ modifies how letters upon estates jointly may be granted;
- ▶ modifies guardian and conservator provisions, including:
 - modifying provisions related to limited guardianships;
 - addressing emergency guardians;
 - modifying powers and duties of guardians;
 - addressing reporting requirements of conservators; and
 - providing sanctions for not honoring a conservator's

H→ or guardian's ←H authority; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

75-3-109, as enacted by Laws of Utah 1977, Chapter 194

75-3-402, as last amended by Laws of Utah 2013, Chapter 364



214 (g) If a conservator has been appointed[;]:

215 (i) all of the ward's estate received by the guardian in excess of those funds expended
216 to meet current expenses for support, care, and education of the ward shall be paid to the
217 conservator for management as provided in this code; and

218 (ii) the guardian shall account to the conservator for funds expended.

219 (4) (a) A court may, in the order of appointment, place specific limitations on the
220 guardian's power.

221 (b) A guardian may not prohibit or place restrictions on association with a relative or
222 qualified acquaintance of an adult ward, unless permitted by court order under Section
223 75-5-312.5.

224 (c) A guardian is not liable to a third person for acts of the guardian's ward solely by
225 reason of the relationship described in Subsection (2).

226 (5) Any guardian of one for whom a conservator also has been appointed shall control
227 the custody and care of the ward and is entitled to receive reasonable sums for services and for
228 room and board furnished to the ward as agreed upon between the guardian and the
229 conservator, if the amounts agreed upon are reasonable under the circumstances. The guardian
230 may request the conservator to expend the ward's estate by payment to third persons or
231 institutions for the ward's care and maintenance.

231a **Ĥ→ (6) A person who refuses to accept the authority of a guardian with authority over**
231b **financial decisions to transact business with the assets of the protected person after receiving a**
231c **certified copy of letters of guardianship is liable for costs, expenses, attorney fees, and damages**
231d **if the court determines that the person did not act in good faith in refusing to accept the**
231e **authority of the guardian. ←Ĥ**

232 Section 7. Section **75-5-418** is amended to read:

233 **75-5-418. Inventory and records.**

234 (1) Within 90 days after appointment of a conservator, the conservator shall prepare
235 and file with the appointing court a complete inventory of the estate of the protected person
236 together with an oath or affirmation that it is complete and accurate so far as the conservator is
237 informed. The estate of the protected person does not include the assets of a trust.

238 (2) The conservator shall provide a copy of the inventory to the protected person if the
239 person:

240 (a) can be located;

241 (b) has attained the age of 14 years; and

242 (c) has sufficient mental capacity to understand these matters, and to any parent or ☉