

- 121 (i) that the ward is no longer incapacitated; and
- 122 (ii) for removal or resignation of the guardian in accordance with Section [75-5-307](#).
- 123 (b) In an order adjudicating capacity, a court may specify a minimum period of time,
- 124 not exceeding one year, during which no petition for an adjudication that the ward is no longer
- 125 incapacitated can be filed without leave from the court.
- 126 (c) A request for the order described in Subsection (1) may be made by informal letter
- 127 to the court.
- 128 (d) Any person who knowingly interferes with a request described in Subsection (1)(a)
- 129 may be ~~§~~→ [held in contempt of] sanctioned by the ←~~§~~ court.
- 130 (2) The authority and responsibility of a guardian for an incapacitated person
- 131 terminates upon:
- 132 (a) the death of the guardian or the ward;
- 133 (b) the determination that the guardian is incapacitated; or
- 134 (c) the removal or resignation of the guardian in accordance with Section [75-5-307](#).
- 135 (3) Resignation of a guardian does not terminate the guardianship until the resignation
- 136 has been approved by the court.
- 137 (4) Testamentary appointment of a guardian under an informally probated will
- 138 terminates if the will is later denied probate in a formal proceeding.
- 139 (5) Termination of a guardian does not affect the guardian's liability for the guardian's
- 140 prior acts or the guardian's obligation to account for funds and assets of the guardian's ward.
- 141 (6) On a petition to order that a ward's incapacity is terminated, the court shall follow
- 142 the same procedures to safeguard the rights of the ward for a petition for appointment of a
- 143 guardian under Section [75-5-303](#).
- 144 Section 4. Section [75-5-307](#) is repealed and reenacted to read:
- 145 **[75-5-307. Removal or resignation of guardian.](#)**
- 146 (1) On a petition of resignation from a guardian, the court may:
- 147 (a) accept the guardian's resignation; or
- 148 (b) make any other order that is appropriate.
- 149 (2) On a petition of removal of a guardian from the ward or any person interested in the
- 150 ward's welfare, the court may remove a guardian if:
- 151 (a) the guardian obtained the appointment by fraud, deceit, or gross misrepresentation;