

LEGISLATURE OF THE STATE OF IDAHO
Sixty-second Legislature Second Regular Session - 2014

IN THE SENATE

SENATE BILL NO. 1247

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO GUARDIANS; AMENDING SECTION 15-5-210, IDAHO CODE, TO PROVIDE THAT A GUARDIAN'S AUTHORITY AND RESPONSIBILITY ENDS UPON THE TERMINATION OF THE GUARDIANSHIP, TO PROVIDE THAT RESIGNATION OF A GUARDIAN WITHOUT THE APPOINTMENT OF A SUCCESSOR GUARDIAN DOES NOT TERMINATE THE GUARDIANSHIP UNTIL APPROVED BY A COURT AND TO PROVIDE THAT A GUARDIANSHIP MAY BE TERMINATED UPON PETITION BY AN INTERESTED PERSON IF IN THE BEST INTERESTS OF THE MINOR; AND AMENDING SECTION 15-5-212, IDAHO CODE, TO PROVIDE FOR MODIFICATION AND TERMINATION PROCEEDINGS AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 15-5-210, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-210. TERMINATION OF APPOINTMENT OF GUARDIAN -- GENERAL. A guardian's authority and responsibility terminates upon the death, resignation or removal of the guardian, or upon termination of the guardianship, or upon the minor's death, adoption, marriage or attainment of majority, but termination does not affect his liability for prior acts, nor his obligation to account for funds and assets of his ward. Resignation of a guardian without the appointment of a successor guardian does not terminate the guardianship until it has been approved by the court. A testamentary appointment under an informally probated will terminates if the will is later denied probate in a formal proceeding. A guardianship may be terminated upon petition by an interested person if such termination is in the best interests of the minor.

SECTION 2. That Section 15-5-212, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-212. ~~RESIGNATION OR~~ -- REMOVAL -- MODIFICATION -- TERMINATION PROCEEDINGS. (a) Any person interested in the welfare of a ward, or the ward, if fourteen (14) or more years of age, may petition for removal of a guardian or for modification or termination of the guardianship on the ground that removal, modification or termination would be in the best interests of the ward. A guardian may petition for permission to resign. A petition for removal, modification or termination, or for permission to resign may, but need not, include a request for appointment of a successor guardian.

(b) After notice and hearing on a petition for removal, modification or termination, or for permission to resign, the court may modify or terminate the guardianship and make any further order that may be appropriate.

(c) If, at any time in the proceeding, the court determines that the interests of the ward are, or may be, inadequately represented, it may appoint

1 an attorney to represent the minor, giving consideration to the preference
2 of the minor if the minor is fourteen (14) or more years of age.