

## STATEMENT OF PURPOSE

### RS24544

In 1991, the Idaho Legislature enacted the first Delegation of Powers by Parent or Guardian bill, primarily to aid deploying families in Desert Storm. Over the years, the use of the Delegation has dramatically expanded, especially in situations where a parent hands over their child to another family member, often a grandparent, for a temporary time period. Sometimes this is because of things like deployment, temporary absence, change in school districts, and so forth. But sometimes it is because of substance abuse or other problems of the parent. This delegation is easy and quick and avoids have an expensive and protracted Guardianship proceeding in court. It does not preclude an interested person from bringing a formal proceeding, which can happen if the person receiving the delegation is not appropriate to care for the minor. In some cases, despite the existing language in the statute that such delegations are valid, institutions or individuals may not honor the delegation and demand Letters of Guardianship. Obtaining those through a formal Guardianship proceeding is both expensive and time consuming and can delay the ability to care for the minor. Idaho law already allows a procedure in probate cases for a nomination of a guardian through the Will, requiring only an acceptance of the nomination to be filed in the probate case by the nominated individual, as set forth in the statutes being amended by this bill. This bill parallels that existing law for situations in which the delegating parent is not deceased, but instead has become incapacitated or is unable to care for the minor. The existing statute contains provisions regarding situations where another person has parental rights and also allows an interested person to bring a formal proceeding if appropriate. Such might happen if the person nominated is not an appropriate person to care for the minor. This bill contains clear definitions of the procedures to be followed, when the inter vivos guardianship terminates, and all persons that must be given notice of the guardianship. This allows an inexpensive and flexible alternative to more expensive court proceedings, but does not preclude such proceedings when appropriate.

### FISCAL NOTE

This bill will have no fiscal impact. It should lower court costs and time involvement of courts.

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