

STATEMENT OF PURPOSE

RS27332 / S1219

This is one of a series of bills the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required by article V, section 25 of the Idaho Constitution. I.C. § 66-404 requires a court to make certain findings before appointing co-guardians or co-conservators for a person with a developmental disability. Specifically, subsection (6)(f)(i)(2) of this statute obligates the court to find that "[t]he persons to be appointed as co-guardians or co-conservators will work together cooperatively to serve the best interests of the child." Since this statute pertains to persons with a developmental disability, and not children, the reference to the "best interests of the child" is inapplicable. Accordingly, this inaccurate language should be corrected to reflect the pertinent "best interests of the person with a developmental disability" standard. In addition, this statute requires notice of the hearing on the petition to appoint a guardian or conservator to be served no less than ten (10) days before the hearing. In furtherance of the courts' efforts to reduce confusion by setting all procedural time frames in seven (7) day increments, this notice provision should be modified to fourteen (14) days.

FISCAL NOTE

This proposed amendment will have no fiscal impact upon the General Fund, any other state fund, or local governments. The amendment proposes to correct an inapplicable legal standard and extend a procedural time period, and thus, it is projected these changes will cause neither an increase or decrease in existing or future appropriations or revenues.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).