

IN THE SENATE

SENATE BILL NO. 1352

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO GUARDIANS OF MINORS; AMENDING SECTION 15-5-210, IDAHO CODE, TO  
2 PROVIDE THAT A GUARDIAN'S AUTHORITY AND RESPONSIBILITY SHALL TERMINATE  
3 UPON TERMINATION OF THE GUARDIANSHIP AND TO REVISE A PROVISION REGARD-  
4 ING THE RESIGNATION OF A GUARDIAN; AND AMENDING SECTION 15-5-212, IDAHO  
5 CODE, TO PROVIDE FOR PROCEEDINGS FOR THE MODIFICATION OR TERMINATION OF  
6 A GUARDIANSHIP AND TO MAKE TECHNICAL CORRECTIONS.  
7

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

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

11 15-5-210. TERMINATION OF APPOINTMENT OF GUARDIAN -- GENERAL. A  
12 guardian's authority and responsibility terminates upon the death, resig-  
13 nation or removal of the guardian, termination of the guardianship or upon  
14 the minor's death, adoption, marriage or attainment of majority, but termi-  
15 nation does not affect his liability for prior acts, nor his obligation to  
16 account for funds and assets of his ward. Resignation of a guardian without  
17 the appointment of a successor guardian does not terminate the guardianship  
18 until it has been approved by the court. A testamentary appointment under an  
19 informally probated will terminates if the will is later denied probate in  
20 a formal proceeding.

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

23 15-5-212. RESIGNATION, ~~OR~~ REMOVAL, MODIFICATION OR TERMINATION PRO-  
24 CEEDINGS. (a~~1~~) Any person interested in the welfare of a ward, or the ward,  
25 if fourteen (14) or more years of age, may petition for removal of a guardian,  
26 or for modification or termination of the guardianship, on the ground that  
27 such removal, modification or termination would be in the best interest of  
28 the ward. A guardian may petition for permission to resign. A petition for  
29 removal or for permission to resign may, but need not, include a request for  
30 appointment of a successor guardian.

31 (b~~2~~) After notice and hearing on a petition for removal or for permis-  
32 sion to resign, the court may terminate the guardianship and make any further  
33 order that may be appropriate.

34 (e~~3~~) If, at any time in the proceeding, the court determines that the  
35 interests of the ward are, or may be, inadequately represented, it may ap-  
36 point an attorney to represent the minor, giving consideration to the pref-  
37 erence of the minor if the minor is fourteen (14) or more years of age.