

STATEMENT OF PURPOSE

RS30855 / S1349

This bill is the result of four years of intense study by legal experts, community groups, and others of the existing Idaho Conservatorship/Guardianship Probate Code. This bill adds more protections for those involved in the process on multiple levels. It provides clarity in areas where questions have arisen in the current Code. It provides multiple detailed alternatives to formal Conservatorship/Guardianship court proceedings, including Protective Arrangements and Supported Decision Making. It retains multiple Idaho procedures that are working well. It requires detailed information at the beginning of a process under the Code. It protects the constitutional rights of persons subject to the Code or those affected by proceedings under the Code, including through more stringent notice provisions, required written statements of rights both at service of the petition and before hearings. It sets higher standards of evidence (usually "clear and convincing"). It also moves the Conservatorship/Guardianship provisions for persons with a developmental disability into the Probate Code. This gives the additional protections in the Probate Code while retaining all the existing protections in the developmental disability code. The bill also organizes the Code into a more logical set of Chapters. It also contains model forms and model statements of rights.

FISCAL NOTE

This bill will have no fiscal impact on the general fund. It should lower Court time and costs through alternate methods.

Contact:

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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).