

Utah Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

Thursday, December 7, 2023, 12:00 pm | 2 hours |

AGENDA

	Topic	Presenter	Materials
12:00	Meeting begins		
	<ul style="list-style-type: none"> Housekeeping, minutes 	Judge Kelly	– <i>WINGS Minutes (October 2023 – draft)</i>
12:10	Project Updates		
	<ul style="list-style-type: none"> Utah Code 75-5-303 	Shonna Thomas	
12:15	New Topics		
	<ul style="list-style-type: none"> Letters of Guardianship Concerns 	Judge Kelly	
	<ul style="list-style-type: none"> Orders on Motions 	Shonna Thomas Forms Workgroup	<i>Minors:</i> <ul style="list-style-type: none"> <i>Motion to Review or Change – Minor</i> <i>Order to Review or Change – Minor</i> <i>Motion to Terminate – Minor</i> <i>Order to Terminate – Minor</i> <i>Adults:</i> <ul style="list-style-type: none"> <i>Motion to Review or Change – Adult</i> <i>Order to Review or Change – Adult</i> <i>Motion to Terminate – Adult</i> <i>Order to Terminate – Adult</i> <i>Both:</i> <ul style="list-style-type: none"> <i>(Proposed) Order on Review of Motion to Review, Change, or Terminate</i>
1:30	Other Business		
	<ul style="list-style-type: none"> Legislation Updates 	Stakeholders	
	<ul style="list-style-type: none"> 		
2:00	Meeting adjourned		

Next meeting:

February 15, 2024 (via WebEx)

Name

Address

City, State, Zip

Phone

Email

This motion requires you to respond. Please see the Notice to Responding Party.

Check your email. You will receive information and documents at this email address.

I am the Petitioner, Guardian, or Conservator
 Parent of the Minor
 Interested Person (describe): _____
 Minor
 Attorney for the Guardian/Conservator Interested Person Parent Minor
My Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of Protection for

a Minor.

Motion to Review or ~~Alter~~ Change a Guardianship or Conservatorship of a Minor

(Utah Code §75-5-209, 75-5-212, 75-5-415.)

Hearing Requested

Case Number

Judge

1. This case is for: (select all that apply)
 guardianship.
 conservatorship.
2. I ask the court to: (choose all that apply)
 review the management activity of the guardian or conservator.

- review the continuing need for the guardianship or conservatorship.
- review or establish parent-time or a parent visitation schedule.
- remove the guardian or conservator. I understand this does not terminate the guardianship or conservatorship. I ask the court to appoint _____ (name) as the new guardian or conservator. (Must file an updated Schedule A and provide notice to all interested parties.)
- add a co-guardian or co-conservator. I ask the court to appoint _____ (name) as the co-guardian or co-conservator. (Must file an updated Schedule A and provide notice to all interested parties.)

3. I ask for this review because (choose all that apply):

Change of Guardian or Conservator

- the guardian or conservator has resigned.
- the guardian or conservator is unable to perform their duties.
- the guardian or conservator has died.
- removing or changing the guardian or conservator would be in the best interest of the minor because: (explain)

Concerns with Guardian or Conservator

- there is a dispute that cannot be resolved regarding the guardian or conservator's management of the appointment.
- the guardian fails to perform their duties, per Utah Code 75-5-209.
- the conservator fails to perform their duties, per Utah Code 75-5-417.
- the guardian or conservator fails to use reasonable care and diligence in managing the minor's estate.
- the guardian or conservator was found by the court to have filed the petition for guardianship or conservatorship frivolously or in bad faith.
- the guardian or conservator obtained their appointment by fraud, deceit, or gross misrepresentation.
- the guardian or conservator is in a position to personally benefit in a way that would harm the protected person. Because of this, there is a risk they will not faithfully perform their duties.

Other

- other: (explain)

4. In support of my choices ~~in paragraph 3~~ above, the court should know that:
(Give detailed examples of what is happening. Attach more pages if needed).

5. I have attached the following documents in support of this motion:

6. I ask the court to appoint a lawyer (Guardian ad Litem or private
Guardian ad Litem) to represent the minor because: (explain)

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:
utcourts.gov/motions



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Finding help

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Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

utcourts.gov/motions-span



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Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Review or ~~Alter~~ Change a Guardianship or Conservatorship of a Minor on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date Printed Name _____

My Name _____

Address _____

City, State, Zip _____

Phone _____

Email _____

In the District Court of Utah, _____ County
Court Address _____

In the Matter of Protection for

a protected person.

**Order on Motion to Review or
Change a Guardianship or
Conservatorship of a Minor**

Case Number _____

Judge _____

The matter before the court is a motion to review or change a guardianship or conservatorship of a minor. This matter is being resolved by: (Choose all that apply.)

- The default of the interested parties.
- The stipulation of the parties.
- The pleadings and other papers of the parties.
- A hearing held on _____ (date), notice of which was served on all parties.

The protected person

- was present.
- was not present.
- was represented by _____ (name).
- was not represented.

Guardian or Conservator

- was present.
- was not present.
- was represented by _____ (name).

was not represented.

Interested Party _____ (name).

was present.

was not present.

was represented by _____ (name).

was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court finds that:

- the guardian or conservator has resigned.
- the guardian or conservator is unable to perform their duties.
- the guardian or conservator has died.
- removing or changing the guardian or conservator would be in the best interest of the minor because: (explain)

- there is a dispute that cannot be resolved regarding the guardian or conservator's management of the appointment.
- the guardian fails to perform their duties, per Utah Code 75-5-209.
- the conservator fails to perform their duties, per Utah Code 75-5-417.
- the guardian or conservator fails to use reasonable care and diligence in managing the minor's estate.
- the guardian or conservator was found by the court to have filed the petition for guardianship or conservatorship frivolously or in bad faith.
- the guardian or conservator obtained their appointment by fraud, deceit, or gross misrepresentation.
- the guardian or conservator is in a position to personally benefit in a way that would harm the protected person. Because of this, there is a risk they will not faithfully perform their duties.

The court also finds that:

The court concludes that:

Commented [ST1]: Have this match word for word the Motion or simplify the findings?

The court orders that:

The motion is granted denied.

The guardian or conservator is changed. New letters of guardianship or conservatorship will be issued: (select all that apply)

Commented [ST2]: Should there be an option for the judge to terminate?

- a. The guardian or conservator _____ (name) is removed from this appointment.
- b. _____ (name) is appointed as guardian or conservator.
- c. _____ (name) is added to the appointment as the co-guardian or co-conservator.

The court further orders:

The remainder of the order appointing a guardian or conservator is unchanged. The provisions of any previous order appointing a guardian or conservator not modified by this order remain in effect.

This is the order of the court. Nothing further is required of the parties.

Judge's signature may instead appear at the top of the first page of this document.

Date
Sign here ► _____
Judge _____

Approved as to form.

_____ Sign here ► _____
Date Guardian or Conservator or Attorney _____

_____ Sign here ► _____
Date Interested Person or Attorney _____

Certificate of Service

I certify that I served a copy of this Order on Motion to Review or Change a Guardianship or Conservatorship of a Minor on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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Sign here ► _____

Date _____

Typed or Printed Name _____

Name

Address

City, State, Zip

Phone

Email

This motion requires you to respond. Please see the Notice to Responding Party.

Check your email. You will receive information and documents at this email address.

I am the Petitioner, Guardian, or Conservator
 Parent of the Minor
 Interested Person (describe): _____
 Minor
 Attorney for the Guardian/Conservator Interested Person Parent Minor
My Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of Protection for

a minor.

**Motion to Terminate a Guardianship
or Conservatorship of a Minor**
(Utah Code §75-5-210, 75-5-212, 75-5-430.)

Case Number

Judge

1. This case is for: (choose all that apply)

- guardianship.
- conservatorship.

2. I ask the court to terminate or end the guardianship or conservatorship. I ask for this because:

- the minor is now at least 18 years old.
- the minor has died.
- the minor has joined the armed forces.
- the minor has been adopted.

- the minor has married.
- the minor is emancipated.
- I am the parent of a minor and I withdraw my consent for the guardianship or conservatorship.
- other: (explain)

3. In support of my choices in paragraph 2 above, the court should know that:
(give details to explain your choice above)

4. I have attached the following documents in support of this motion:

5. Because the guardianship or conservatorship could be terminated: (choose all that apply)

I am the guardian or conservator and I have attached the final accounting for the minor's estate.

I ask that the court enter an order transferring title of minor's estate to:
(choose one)

- the minor.
- the parents of the minor.
- the minor's personal representative (executor).
- the minor's successor in interest (beneficiaries), if there is no personal representative.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

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- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

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Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Terminate a Guardianship or Conservatorship of a Minor on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah, _____ County
Court Address _____

<p>In the Matter of Protection for _____ a protected person.</p>	<p>Order on Motion to Terminate a Guardianship or Conservatorship of a Minor</p> <p>_____ Case Number</p> <p>_____ Judge</p>
--------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------

The matter before the court is a motion to terminate. This matter is being resolved by:
(Choose all that apply.)

- The default of the interested parties.
- The stipulation of the parties.
- The pleadings and other papers of the parties.
- A hearing held on _____ (date), notice of which was served on all parties.

The protected person

- was present.
- was not present.
- was represented by _____ (name).
- was not represented.

Guardian/Conservator

- was present.
- was not present.
- was represented by _____ (name).
- was not represented.

Interested Party _____ (name).

was present.

was not present.

was represented by _____ (name).

was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The Court Finds:

the minor is now at least 18 years old.

the minor has died.

the minor has joined the armed forces.

the minor has been adopted.

the minor has married.

the minor is emancipated.

I am the parent of the minor and I withdraw my consent for the guardianship or conservatorship.

other: (explain)

The court also finds that:

The court concludes that:

The Court Orders:

The motion is granted denied.

The guardianship or conservatorship is changed: (select one)

1. The guardianship or conservatorship is terminated.

2. The guardianship or conservatorship continues as follows. New letters of

guardianship or conservatorship will be issued: (select all that apply)

- a. The guardian or conservator _____ (name) is removed from this appointment.
- b. _____ (name) is appointed as guardian or conservator.
- c. _____ (name) is added as the co-guardian or co-conservator.

The court further orders:

Title of the protected person's estate is transferred to: (Choose one.)

- the protected person
- the protected person's personal representative
- the protected person's successor in interest

Judge's signature may instead appear at the top of the first page of this document.

Date Signature ► _____
Judge _____

Approved as to form.

Date Signature ► _____
Guardian or Attorney _____

Date Signature ► _____
Protected Person or Attorney _____

Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion to Terminate a Guardianship or Conservatorship of a Minor on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

Signature ► _____
 Printed Name _____

Name

Address

City, State, Zip

Phone

Email

This motion requires you to respond. Please see the Notice to Responding Party.

Check your email. You will receive information and documents at this email address.

I am the Petitioner, guardian, or conservator
 Protected Person
 Interested person (describe): _____
 Attorney for the Petitioner Protected Person Interested person and my Utah
Bar number is _____
 Representative of the following agency: _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of Protection for

a protected person.

**Motion to Review or Alter-Change a
Guardianship or Conservatorship of an
Adult**

(Utah Code 75-5-301.5, 75-5-312, 75-5-415)

Hearing Requested

Case Number

Judge

1. This case is for (choose all that apply):
 guardianship.
 conservatorship.
2. I ask the court to: (choose all that apply):

- review if a guardian or conservator is still needed.
- review what powers the guardian or conservator was given.
- review how the guardian or conservator has served in their role.
- change who is serving as the guardian or conservator. I ask the court to appoint _____ (name) as the new guardian or conservator.
- add a co-guardian or co-conservator. I ask the court to appoint _____ (name) as the co-guardian or co-conservator.

3. I ask for this review because (choose all that apply):

Protected Person

- the protected person's functional limitations (capacity) have changed and the appointment no longer meets their needs: (explain)

- the protected person can make and communicate decisions with or without help.

Concerns with Guardian or Conservator

- there is a dispute that cannot be resolved regarding how the guardian or conservator has served in their role.
- the guardian fails to perform their duties, per Utah Code 75-5-312.
- the conservator fails to perform their duties, per Utah Code 75-7-902.
- the guardian or conservator fails to use reasonable care and diligence in managing the protected person's estate.
- the guardian or conservator was found by the court to have filed the petition for guardianship or conservatorship frivolously or in bad faith.
- the guardian or conservator obtained their appointment by fraud, deceit, or gross misrepresentation.
- the guardian or conservator is in a position to personally benefit in a way that would harm the protected person. Because of this, there is a risk they will not faithfully perform their duties.

Change of Guardian or Conservator

- the guardian or conservator has resigned.
- the guardian or conservator is unable to perform their duties.
- the guardian or conservator has died.
- removing or changing the guardian or conservator would be in the best interest of the protected person: (explain)

Other

- other: (explain)

4. In support of my choices in **paragraph 3** above, the court should know that:
(Give detailed examples, such as: tasks that the protected person can do now that they couldn't do before, the guardian is stopping the protected person from making choices or spending time with friends or family, the guardian is limiting the protected person's access to their money, etc. Attach more pages if needed)

5. I have attached the following documents in support of this motion:

6. I ask the court for a review from a health care professional to evaluate the protected person's physical condition, mental condition, or both because:
(explain)

7. I ask the court to appoint a Court Visitor to investigate the items described **above in paragraph 4** (Code of Judicial Administration 6-507). I understand that the Court Visitor has no personal interest in the case. The court should appoint a Court Visitor because: (explain)

9. I ask the court to appoint a lawyer to represent the protected person because: (explain)

10. I am filing this motion along with the following:

- Notice of Right to Object,
- Guardian and Conservator Certificate of Mailing,
- Updated Schedule A (if you are asking to change or add a guardian or conservator).

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
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- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

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Para acceder esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Review or Alter-Change a Guardianship or Conservatorship of an Adult on the following people.

Commented [KT1]: Fix spacing

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ► _____

Printed Name _____

My Name _____

Address _____

City, State, Zip _____

Phone _____

Email _____

In the District Court of Utah, _____ County
Court Address _____

In the Matter of Protection for

a protected person.

**Order on Motion to Review or
Change a Guardianship or
Conservatorship of an Adult**

Case Number _____

Judge _____

The matter before the court is a motion to review or change a guardianship or conservatorship of an adult. This matter is being resolved by: (Choose all that apply.)

- The default of the interested parties.
- The stipulation of the parties.
- The pleadings and other papers of the parties.
- A hearing held on _____ (date), notice of which was served on all parties.

The protected person

- was present.
- was not present.
- was represented by _____ (name).
- was not represented.

Guardian or Conservator

- was present.
- was not present.
- was represented by _____ (name).

was not represented.

Interested Party _____ (name).

was present.

was not present.

was represented by _____ (name).

was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court finds that:

- the protected person's functional limitations (capacity) have changed and the appointment no longer meets their needs.
- the protected person can make and communicate decisions with or without help.
- there is a dispute that cannot be resolved regarding how the guardian or conservator has served in their role.
- the guardian fails to perform their duties, per Utah Code 75-5-312.
- the conservator fails to perform their duties, per Utah Code 75-7-902.
- the guardian or conservator fails to use reasonable care and diligence in managing the protected person's estate.
- the guardian or conservator was found by the court to have filed the petition for guardianship or conservatorship frivolously or in bad faith.
- the guardian or conservator obtained their appointment by fraud, deceit, or gross misrepresentation.
- the guardian or conservator is in a position to personally benefit in a way that would harm the protected person. Because of this, there is a risk they will not faithfully perform their duties.
- the guardian or conservator has resigned.
- the guardian or conservator is unable to perform their duties.
- the guardian or conservator has died.
- removing or changing the guardian or conservator would be in the best interest of the protected person

The court also finds that:

The court concludes that:

Commented [ST1]: Have this match word for word the Motion or simplify the findings?

The court orders that:

The motion is granted denied.

The guardian or conservator is changed. New letters of guardianship or conservatorship will be issued: (select all that apply)

Commented [ST2]: Should there be an option for the judge to terminate?

- a. The guardian or conservator _____ (name) is removed from this appointment.
- b. _____ (name) is appointed as guardian or conservator.
- c. _____ (name) is added to the appointment as the co-guardian or co-conservator.
- d. The level of authority is changed to: (select one)

Limited. The powers of the guardian or conservator only include:

Commented [ST3]: Should this be left an open text field or list all options for Limited from the original Order?

- physical health and medical needs, treatment, and services.
- mental health and mental health counseling, treatment and services.
- living situation and residence.
- care, comfort, and maintenance.
- training and education.
- clothing, furniture, vehicles, and other personal effects.
- give consent necessary so that the respondent can receive medical or other professional care, counsel, treatment, or service.
- start proceedings to compel a person with a responsibility to the protected person to perform their duty to support the respondent;
- receive money and personal property for the respondent and apply the money and personal property for the respondent's support, care, and education;
- start proceedings if the property needs protection.

other: (describe)

Full. The guardian has full authority to make decisions on behalf and for the benefit of the protected person in all of the areas listed above. The court orders full guardianship, because: (If the court does not grant limited guardianship, a specific finding shall be made that nothing less than full guardianship is adequate. Utah Code 75-5-304(2)(a)(ii))

The court further orders:

The remainder of the order appointing a guardian or conservator is unchanged. The provisions of any previous order appointing a guardian or conservator not modified by this order remain in effect.

This is the order of the court. Nothing further is required of the parties.

Judge's signature may instead appear at the top of the first page of this document.

_____ Sign here ► _____
Date Judge _____

Approved as to form.

_____ Sign here ► _____
Date Guardian or Conservator or Attorney _____

_____ Sign here ► _____

Date _____

Interested Person or Attorney _____

Certificate of Service

I certify that I served a copy of this Order on Motion to Review or Change a Guardianship or Conservatorship of an Adult on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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Sign here ► _____

Date _____

Typed or Printed Name _____

Name

Address

City, State, Zip

Phone

Email

This motion requires you to respond. Please see the Notice to Responding Party.

Check your email. You will receive information and documents at this email address.

- I am the
- Petitioner, guardian, or conservator
 - Protected Person
 - Interested person (describe): _____
 - Attorney for the Petitioner Protected Person Interested person and my Utah Bar number is _____
 - Representative of the following agency: _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of Protection for

_____ a protected person.

Motion to Terminate a Guardianship or Conservatorship of an Adult
(Utah Code §75-5-301.5, 75-5-306, 75-5-430.)

Case Number

Judge

1. This case is for: (choose all that apply)

- guardianship.
- conservatorship.

2. I ask the court to terminate or end the guardianship or conservatorship. I ask for this because:

- the protected person no longer has functional limitations (is incapacitated).
- the protected person has died.

other: (explain)

3. In support of my choices in paragraph 2 above, the court should know that: (give detailed examples, such as: decisions that the protected person can make and communicate now that they couldn't before and include how they make and communicate those decisions; how the protected person makes sure they have food, housing, and clothing; how the protected person manages their money, training they have received to improve their ability to make decisions in areas covered in the guardianship, etc.)

4. I have attached the following documents in support of this motion (for example, a letter from the protected person's doctor):

5. I ask the court to appoint a Court Visitor to investigate whether the protected person no longer has functional limitations (is incapacitated).

6. The request for termination of the guardianship or conservatorship is not due to the death of the protected person. I ask the court to appoint a lawyer to represent the protected person because: (explain)

7. Because the guardianship or conservatorship could be terminated: (choose all that apply)

I am the guardian or conservator and I have attached the final accounting for the protected person's estate.

If the guardianship or conservatorship is terminated, I ask that the court enter an order transferring title of the protected person's estate to: (choose one)

the protected person.

the protected person's personal representative (executor).

the protected person's successor in interest (beneficiaries), if there is no personal representative.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:
utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Terminate a Guardianship or Conservatorship of an Adult on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah, _____ County

Court Address _____

In the Matter of Protection for

a protected person.

**Order on Motion to Terminate a
Guardianship or Conservatorship of
an Adult**

Case Number

Judge

The matter before the court is a motion to terminate. This matter is being resolved by:
(Choose all that apply.)

- The default of the interested parties.
- The stipulation of the parties.
- The pleadings and other papers of the parties.
- A hearing held on _____ (date), notice of which was served on all parties.

The protected person

- was present.
- was not present.
- was represented by _____ (name).
- was not represented.

Guardian/Conservator

- was present.
- was not present.
- was represented by _____ (name).
- was not represented.

Interested Party _____ (name).

was present.

was not present.

was represented by _____ (name).

was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The Court Finds:

the protected person no longer has functional limitations (is incapacitated).

the protected person has died.

other: (explain)

The court also finds that:

The court concludes that:

The Court Orders:

The motion is granted denied.

The guardianship or conservatorship is changed: (select one)

1. The guardianship or conservatorship is terminated.

2. The guardianship or conservatorship continues as follows. New letters of guardianship or conservatorship will be issued: (select all that apply)

a. The guardian or conservator _____ (name) is removed from this appointment.

b. _____ (name) is appointed as guardian or conservator.

c. _____ (name) is added as the co-guardian or co-conservator.

d. The level of authority is changed to: (select one)

Limited. The powers of the guardian or conservator only include:

- physical health and medical needs, treatment, and services.
- mental health and mental health counseling, treatment and services.
- living situation and residence.
- care, comfort, and maintenance.
- training and education.
- clothing, furniture, vehicles, and other personal effects.
- give consent necessary so that the respondent can receive medical or other professional care, counsel, treatment, or service.
- start proceedings to compel a person with a responsibility to the protected person to perform their duty to support the respondent;
- receive money and personal property for the respondent and apply the money and personal property for the respondent's support, care, and education;
- start proceedings if the property needs protection.
- other: (describe)

Commented [ST1]: Should this be left an open text field or list all options for Limited from the original Order?

Full. The guardian has full authority to make decisions on behalf and for the benefit of the protected person in all of the areas listed above. The court orders full guardianship, because: (If the court does not grant limited guardianship, a specific finding shall be made that nothing less than full guardianship is adequate. Utah Code 75-5-304(2)(a)(ii))

The court further orders:

- Title of the protected person's estate is transferred to: (Choose one.)
- the protected person
 - the protected person's personal representative
 - the protected person's successor in interest

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Judge _____

Approved as to form.

Date

Signature ► _____
Guardian or Attorney _____

Date

Signature ► _____
Protected Person or Attorney _____

Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion to Terminate a Guardianship or Conservatorship of an Adult on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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_____ Signature ► _____
 Date Printed Name _____

In the District Court of Utah

_____ Judicial District _____

County

Court Address: _____

In the Matter of Protection for:

**Order on Review of Motion to Review,
Change, or Terminate a Guardianship
or Conservatorship**

Respondent

Case Number

Judge

The following Motion is submitted for review: (check all that apply)

- Motion to Review or Change a Guardianship or Conservatorship of an Adult
- Motion to Review or Change a Guardianship or Conservatorship of a Minor
- Motion to Terminate a Guardianship or Conservatorship of an Adult
- Motion to Terminate a Guardianship or Conservatorship of a Minor

The judge, having reviewed the above Motion(s):

- Requests the following additional information from the filer:

- Directs that a court visitor be appointed regarding the following:

- Directs that an attorney be appointed to represent the respondent.

- Directs that a hearing be set regarding the following:

- Other (describe):
-
-
-

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Judge _____

(This form does not need to be sent if the court approves all the reports as submitted.)

Clerk's Certificate of Service

I certify that on _____ (date) a copy of this **Order on Review of Motion to Review, Change, or Terminate a Guardianship or Conservatorship** was sent to the following people at the following addresses:

Date

Signature ► _____
Printed name of court clerk _____