

1 **Rule 6-507. Court visitors.**

2
3 **Intent:**

4 To set forth the appointment and role of court visitors. To establish a process for the review
5 of court visitor reports.

6
7 **Applicability:**

8 This rule applies to court visitor reports in guardianship and conservatorship cases.

9
10 **Statement of the Rule:**

11 (1) **Definition.** A visitor is, with respect to guardianship and conservatorship proceedings, a
12 person who is trained in law, nursing, or social work and is an officer, employee, or special
13 appointee of the court with no personal interest in the proceedings.

14
15 (2) **Appointment and role of court visitor.** Upon its own initiative or motion of a party or an
16 “interested person,” as that term is defined in Utah Code section 75-1-201, the court may
17 appoint a court visitor in a guardianship or conservatorship proceeding to conduct an inquiry
18 into the following:

19
20 (2)(A) whether to waive the respondent’s presence at the hearing under Section [75-5-](#)
21 [303\(5\)\(a\)](#);

22
23 (2)(B) to confirm a waiver of notice submitted by the respondent in a guardianship or
24 conservatorship proceeding under Sections [75-5-309\(3\)](#) or [75-5-405\(1\)](#);

25
26 (2)(C) to investigate the respondent’s circumstances and well-being, including when an
27 attorney is not appointed under [75-5-303\(5\)\(d\)](#);

28
29 (2)(D) to review annual reports from the guardian and conservator or gather additional
30 financial information;

31
32 (2)(E) to locate guardians, conservators, and respondents;

33
34 (2)(F) to investigate the proposed guardian’s future plans for the respondent’s residence
35 under Section [75-5-303\(4\)](#); or

36
37 (2)(G) to conduct any other investigation or observation as directed by the court.

38
39 (3) **Motion to excuse respondent or confirm waiver of hearing.** The petitioner, the
40 respondent, or any interested person seeking to excuse the respondent or confirm a waiver
41 of hearing, shall file an ex parte motion at least 21 days prior to the hearing.

42

43 (3)(A) Upon receipt of the motion, the court shall appoint a court visitor to conduct an
44 investigation in accordance with paragraph (2) unless a court visitor is not required
45 under Utah Code section [75-5-303](#).

46
47 (3)(B) Upon appointment to conduct an inquiry into whether to excuse the respondent
48 from the hearing, the court visitor will:

49
50 (3)(B)(i) interview the petitioner, the proposed guardian, and the respondent;

51
52 (3)(B)(ii) visit the respondent's present dwelling or any dwelling in which the
53 respondent will reside if the guardianship or conservatorship appointment is made;

54
55 (3)(B)(iii) interview any physician or other person who is known to have treated,
56 advised, or assessed the respondent's relevant physical or mental condition;

57
58 (3)(B)(iv) confirm a waiver of notice if submitted by the respondent; and

59
60 (3)(B)(iv) conduct any other investigation the court directs.

61
62 (4) **Other inquiries.** If the court appoints a visitor under paragraphs (2)(B) through (2)(G),
63 the court visitor will conduct the inquiry in accordance with the court's order or appointment.

64
65 (5) **Language access.** If the court visitor does not speak or understand the respondent's,
66 proposed guardian's, proposed conservator's, or petitioner's primary language, the court
67 visitor must use an interpretation service approved by the Administrative Office of the Courts
68 to communicate with the respondent, proposed guardian, proposed conservator, or
69 petitioner.

70
71 (6) **Court visitor report.**

72
73 (6)(A) **Service of the court visitor report.** Except for court visitor appointments made
74 under paragraph (2)(E), in accordance with [Rule 5](#) of the Utah Rules of Civil Procedure,
75 the court visitor program must file and serve a court visitor report upon all parties and
76 upon any interested person who has requested the appointment of the court visitor.

77
78 (6)(B) **Request to Submit for Decision.** The court visitor program will file with each
79 court visitor report a request to submit for decision.

80
81 (6)(C) **Report regarding waiver of respondent's presence.** In cases involving a
82 motion to excuse the respondent from the hearing, the court visitor will file with the report
83 a court-approved proposed order. The report, a request to submit for decision, and a
84 proposed order will be filed five days before the hearing.

86 (7) Termination of court visitor appointment. The appointment of the court visitor
87 terminates and the court visitor is discharged from the court visitor's duties upon the date
88 identified in the order of appointment. The court may extend the appointment with or without
89 a request from a party.

90
91 (8) Court findings.

92
93 (8)(A) Reports regarding waiver of respondent's presence. When a court visitor has
94 filed a report regarding a request to waive the respondent's presence at the hearing, the
95 court will issue findings and an order as to the waiver at least two days prior to the
96 hearing upon which the request has been made.

97
98 (8)(B) All other reports. When a court visitor has filed a report involving matters other
99 than the waiver of the respondent's presence, the court will issue findings and an order
100 as to those matters in accordance with the timelines of Rule 3-101.

101
102 Effective November 1, 2020