

Provisional Draft

For review by the Children, Families, Health, and Human
Services Interim Committee (CFHHS)
March 9 and 10, 2026

Interim 2025-2026

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**** BILL NO. ****
INTRODUCED BY ****
BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATING TO GUARDIANSHIP OR CONSERVATORSHIP; REQUIRING PLAIN LANGUAGE INFORMATION TO BE SENT TO A PERSON ALLEGED TO BE INCAPACITATED OR A PERSON TO BE PROTECTED IN ADVANCE OF A GUARDIANSHIP OR CONSERVATORSHIP PROCEED; REQUIRING A PERSON TO COMPLETE TRAINING BEFORE APPOINTMENT AS A GUARDIAN OR CONSERVATOR; REQUIRE PROPOSED GUARDIAN OR CONSERVATOR TO COMPLETE A BACKGROUND CHECK AND CREDIT CHECK OR AFFADAVIT PRIOR TO APPOINTMENT; CREATING A GRIEVANCE PROCESS; REQUIRING A GUARDIAN OR CONSERVATOR TO REPORT OR ACCOUNT TO THE COURT AT LEAST ANNUALLY; REQUIRING CERTIFICATION OF A PROFESSIONAL GUARDIAN OR CONSERVATOR; PROVIDING DEFINITIONS; AMENDING SECTIONS 72-5-101, 72-5-312, 72-5-314, 72-5-321, 72-5-324, 72-5-410, 72-5-438, AND 72-5-445, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 72-5-101, MCA, is amended to read:

"72-5-101. Definitions. Unless otherwise apparent from the context, in chapters 1 through 5 and chapter 16, part 6, the following definitions apply:

(1) "Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause, except minority, to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the person or which cause has so impaired the person's judgment that the person is incapable of realizing and making a rational decision with respect to the person's need for treatment.

(2) "Professional conservator" or "professional guardian" means a person who is certified to provide one or both services pursuant to [section 9] and who is not related to the ward or protected person by

1 blood, adoption, or marriage.

2 ~~(2)~~(3) "Protected person" means a minor or other person for whom a conservator has been appointed
3 or other protective order has been made.

4 ~~(3)~~(4) "Protective proceeding" means a proceeding under the provisions of 72-5-409 to determine that
5 a person cannot effectively manage or apply the person's estate to necessary ends, either because the person
6 lacks the ability or is otherwise inconvenienced or because the person is a minor, and to secure administration
7 of the person's estate by a conservator or other appropriate relief.

8 ~~(4)~~(5) "Substituted judgment" means the judgment that an incapacitated person would make if
9 restored to capacity based upon:

- 10 (a) the person's present preference or, if the person is incapable of indicating the person's
11 preference, the person's prior expressed preference;
- 12 (b) the person's personal, moral, and religious convictions;
- 13 (c) the person's relationship with family members;
- 14 (d) the consequences if the action proposed is not taken;
- 15 (e) the consequences if the action proposed is taken; and
- 16 (f) other relevant factors.

17 ~~(5)~~(6) "Ward" means a person for whom a guardian has been appointed. A "minor ward" is a minor
18 for whom a guardian has been appointed solely because of minority."
19

20 **Section 2.** Section 72-5-312, MCA, is amended to read:

21 **"72-5-312. Who may be guardian -- priorities.** (1) Any competent person or a suitable institution,
22 association, or nonprofit corporation or any of its members may be appointed guardian of an incapacitated
23 person.

24 (2) Persons who are not disqualified have priority for appointment as guardian in the following
25 order:

- 26 (a) a person, association, or private, nonprofit corporation nominated by the incapacitated person if
27 the court specifically finds that at the time of the nomination the incapacitated person had the capacity to make
28 a reasonably intelligent choice;

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- 1 (b) the spouse of the incapacitated person;
- 2 (c) an adult child of the incapacitated person;
- 3 (d) a parent of the incapacitated person, including a person nominated by will or other writing
- 4 signed by a deceased parent;
- 5 (e) any relative of the incapacitated person with whom the incapacitated person has resided for
- 6 more than 6 months prior to the filing of the petition;
- 7 (f) a relative or friend who has demonstrated a sincere, longstanding interest in the welfare of the
- 8 incapacitated person;
- 9 (g) a private association or nonprofit corporation with a guardianship program for incapacitated
- 10 persons, a member of the private association or nonprofit corporation approved by the association or
- 11 corporation to act as a guardian for the incapacitated person, or a person included on an official list of the
- 12 association or organization as willing and suitable to act as guardian of incapacitated persons;
- 13 (h) a person nominated by the person who is caring for the incapacitated person or paying benefits
- 14 to the incapacitated person.
- 15 (3) The priorities established in subsection (2) are not binding, and the court shall select the
- 16 person, association, or nonprofit corporation that is best qualified and willing to serve.
- 17 (4) Except as provided in subsection (5), the court may not appoint a person, institution,
- 18 association, or nonprofit corporation to be the guardian of an incapacitated person if the person, institution,
- 19 association, or nonprofit corporation:
- 20 (a) provides or is likely to provide during the guardianship substantial services to the incapacitated
- 21 person in the professional or business capacity other than in the capacity of guardian;
- 22 (b) is or is likely to become during the guardianship period a creditor of the incapacitated person,
- 23 other than in the capacity of guardian;
- 24 (c) has or is likely to have during the guardianship period interests that may conflict with those of
- 25 the incapacitated person; or
- 26 (d) is employed by a person, institution, association, or nonprofit corporation that would be
- 27 disqualified under subsections (4)(a) through (4)(c).

28 (5) To ensure a person is best qualified to serve as guardian, the court shall require the person to

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1 complete guardianship training prescribed by the Montana supreme court prior to the person's appointment as
2 a guardian.

3 (6) Before appointing a person who is not the parent, child, or spouse of an incapacitated person
4 as guardian to that incapacitated person, the court shall require the proposed guardian to complete a fingerprint
5 background check and a credit check and provide the results to the court.

6 (7) (a) Before appointing a person who is the parent, child, or spouse of an incapacitated person
7 as guardian to that incapacitated person, the court shall require the proposed guardian to:

8 (i) file with the court an affidavit stating whether the person has been investigated for offenses
9 related to fraud or theft, or to the abuse, neglect, or exploitation of an adult or child; and

10 (ii) submit a release authorizing the court access to related information maintained by a federal
11 agency or an agency in this state or another state.

12 (b) If the affidavit or related information in subsection (7)(a) raises concerns for the court, the court
13 may require the proposed guardian to complete a fingerprint background check and credit check in addition to
14 the affidavit prior to appointing the person as guardian.

15 (8) The court may decline to appoint a person as guardian if the results of a fingerprint background
16 check, credit check, or the contents of an affidavit and affidavit-related information described in subsections (6)
17 or (7) indicate the person is not suitable to serve the incapacitated person as a guardian.

18 ~~(5)(9)~~ If the court determines that there is no qualified person willing and able to serve as guardian,
19 the court may appoint an agency of the state or federal government that is authorized or required by statute to
20 provide services to the person or to persons suffering from the kind of disability from which the incapacitated
21 person is suffering or a designee of the agency, notwithstanding the provisions of subsection (4). Whenever an
22 agency is appointed guardian, the court may also appoint a limited guardian to represent a specified interest of
23 the incapacitated person. Whenever a limited guardian is appointed pursuant to this subsection, the specified
24 interest of the incapacitated person is the sole responsibility of the limited guardian and is removed from the
25 responsibility of the agency."

26

27 **Section 3.** Section 72-5-314, MCA, is amended to read:

28 **"72-5-314. Notices in guardianship proceedings -- plain language information to alleged**

1 incapacitated person. (1) In a proceeding for the appointment or removal of a guardian of an incapacitated
2 person other than the appointment of a temporary guardian or temporary suspension of a guardian, notice of
3 hearing must be given to each of the following:

4 (a) the ward or the person alleged to be incapacitated and the ward's or person's spouse, parents,
5 and adult children;

6 (b) any person who is serving as the ward's or person's guardian or conservator or who has the
7 ward's or person's care and custody; and

8 (c) in case no other person is notified under subsection (1)(a), at least one of the ward's or
9 person's closest adult relatives, if any can be found.

10 (2) Notice must be served personally on the alleged incapacitated person and the person's spouse
11 and parents if they can be found within the state. Notice to the spouse and parents, if they cannot be found
12 within the state, and to all other persons except the alleged incapacitated person must be given as provided in
13 72-1-301. Waiver of notice by the person alleged to be incapacitated is not effective unless the person attends
14 the hearing or the person's waiver of notice is confirmed in an interview with the visitor. Representation of the
15 alleged incapacitated person by a guardian ad litem is not necessary.

16 (3) For a proceeding for the appointment of a guardian of an incapacitated person, the court shall
17 send to the alleged incapacitated person plain-language information that includes:

18 (i) the purpose and basis for guardianship established in 72-5-306;

19 (ii) the procedure for the appointment of a guardian and the procedural rights of the person alleged
20 to be incapacitated, as provided for in 72-5-315;

21 (iii) the rights of a ward, and how a person alleged to be incapacitated is distinct from a ward;

22 (iv) the powers and duties of a guardian as prescribed in 72-5-321; and

23 (v) the grievance process prescribed in [section 10]."

24

25 **Section 4.** Section 72-5-321, MCA, is amended to read:

26 **"72-5-321. Powers and duties of guardian of incapacitated person.** (1) The powers and duties of
27 a limited guardian are those specified in the order appointing the guardian. The limited guardian is required to
28 report the condition of the incapacitated person and of the estate that has been subject to the guardian's

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1 possession and control annually, ~~as unless~~ required by the court or by court rule to file a report more frequently.

2 The limited guardian shall use the report document provided by the Montana supreme court.

3 (2) A full guardian of an incapacitated person has the same powers, rights, and duties respecting
4 the ward that a parent has respecting an unemancipated minor child, except that a guardian is not liable to third
5 persons for acts of the ward solely by reason of the parental relationship. In particular and without qualifying the
6 foregoing, a full guardian has the following powers and duties, except as limited by order of the court:

7 (a) To the extent that it is consistent with the terms of any order by a court of competent jurisdiction
8 relating to detention or commitment of the ward, the full guardian is entitled to custody of the person of the ward
9 and may establish the ward's place of residence within or outside of this state.

10 (b) If entitled to custody of the ward, the full guardian shall make provision for the care, comfort,
11 and maintenance of the ward and whenever appropriate arrange for the ward's training and education. Without
12 regard to custodial rights of the ward's person, the full guardian shall take reasonable care of the ward's
13 clothing, furniture, vehicles, and other personal effects and commence protective proceedings if other property
14 of the ward is in need of protection.

15 (c) A full guardian may give any consents or approvals that may be necessary to enable the ward
16 to receive medical or other professional care, counsel, treatment, or service. This subsection (2)(c) does not
17 authorize a full guardian to consent to the withholding or withdrawal of life-sustaining treatment or to a do not
18 resuscitate order if the full guardian does not have authority to consent pursuant to the Montana Rights of the
19 Terminally Ill Act, Title 50, chapter 9, or to the do not resuscitate provisions of Title 50, chapter 10. A full
20 guardian may petition the court for authority to consent to the withholding or withdrawal of life-sustaining
21 treatment or to a do not resuscitate order. The court may not grant that authority if it conflicts with the ward's
22 wishes to the extent that those wishes can be determined. To determine the ward's wishes, the court shall
23 determine by a preponderance of evidence if the ward's substituted judgment, as applied to the ward's current
24 circumstances, conflicts with the withholding or withdrawal of life-sustaining treatment or a do not resuscitate
25 order.

26 (d) If a conservator for the estate of the ward has not been appointed, a full guardian may:

27 (i) institute proceedings to compel any person under a duty to support the ward or to pay sums for
28 the welfare of the ward to perform that person's duty;

1 (ii) receive money and tangible property deliverable to the ward and apply the money and property
2 for support, care, and education of the ward. However, the full guardian may not use funds from the ward's
3 estate for room and board that the full guardian or the full guardian's spouse, parent, or child has furnished the
4 ward unless a charge for the service is approved by order of the court made upon notice to at least one of the
5 next of kin of the incompetent ward, if notice is possible. The full guardian must exercise care to conserve any
6 excess for the ward's needs.

7 (e) Unless waived by the court, a full guardian is required to report the condition of the ward and of
8 the estate that has been subject to the full guardian's possession or control annually for the preceding year. A
9 copy of the report must be served upon the ward's parent, child, or sibling if that person has made an effective
10 request under 72-5-318.

11 (f) If a conservator has been appointed, all of the ward's estate received by the full guardian in
12 excess of those funds expended to meet current expenses for support, care, and education of the ward must be
13 paid to the conservator for management as provided in this chapter, and the full guardian must account to the
14 conservator for funds expended.

15 (3) (a) Within [timeline set by committee], a limited guardian or a full guardian shall file a care plan
16 with the court that describes how the guardian will manage the ward's housing, medical, social, and emotional
17 needs, and how management will align with the ward's past wishes and current needs. If the ward does not also
18 have a conservator, the care plan must include how the guardian will manage the ward's estate and financial
19 needs.

20 (b) The care plan is a form prescribed by the Montana supreme court.

21 (c) The court may require a guardian to file a new care plan at any time.

22 (4) (a) A full guardian is required to file an annual guardianship report with the court, unless
23 required by the court to file a report more frequently. The guardianship report includes the ward's physical and
24 mental health, housing situation, and how frequently the guardian and ward were in contact the past 12 months.
25 If the ward does not also have a conservator, the report must detail management of the ward's estate and
26 financial needs.

27 (b) The annual guardianship report is a form prescribed by the Montana supreme court.

28 (3)(5) Upon failure, as determined by the clerk of court, of the guardian to file ~~an annual report a~~

1 report required under subsection (1) or subsection (4), or a care plan required under subsection (3), the court
2 shall order the guardian to file the report or care plan and give good cause for the guardian's failure to file a
3 timely report or care plan.

4 ~~(4)~~(6) Any full guardian of one for whom a conservator also has been appointed shall control the
5 custody and care of the ward. A limited guardian of a person for whom a conservator has been appointed shall
6 control those aspects of the custody and care of the ward over which the limited guardian is given authority by
7 the order establishing the limited guardianship. The full guardian or limited guardian is entitled to receive
8 reasonable sums for the guardian's services and for room and board furnished to the ward as agreed upon
9 between the guardian and the conservator, provided the amounts agreed upon are reasonable under the
10 circumstances. The full guardian or limited guardian authorized to oversee the incapacitated person's care may
11 request the conservator to expend the ward's estate by payment to third persons or institutions for the ward's
12 care and maintenance.

13 ~~(5)~~(7) Except as provided in subsection (6), a full guardian or limited guardian may not involuntarily
14 commit for mental health treatment or for treatment of a developmental disability or for observation or
15 evaluation a ward who is unwilling or unable to give informed consent to commitment, except as provided in 72-
16 5-322, unless the procedures for involuntary commitment set forth in Title 53, chapters 20 and 21, are followed.
17 This chapter does not abrogate any of the rights of mentally disabled persons provided for in Title 53, chapters
18 20 and 21.

19 ~~(6)~~(8) (a) If the court has found that a ward has a primary diagnosis of a major neurocognitive
20 disorder, as defined in the fifth edition of the diagnostic and statistical manual of mental disorders adopted by
21 the American psychiatric association, and because of this disorder the ward is unwilling or unable to give
22 informed consent to treatment, a full guardian or limited guardian may seek admission of the ward for
23 stabilization and treatment to a hospital, skilled nursing facility, or another appropriate treatment facility other
24 than the Montana state hospital.

25 (b) If the ward is admitted to the Montana mental health nursing care center, the court shall review
26 every 90 days whether the Montana mental health nursing care center is the appropriate placement for the
27 ward or whether a less restrictive placement exists.

28 ~~(7)~~(9) Upon the death of a full guardian's or limited guardian's ward, the full guardian or limited

1 guardian, upon an order of the court and if there is no personal representative authorized to do so, may make
2 necessary arrangements for the removal, transportation, and final disposition of the ward's physical remains,
3 including burial, entombment, or cremation, and for the receipt and disposition of the ward's clothing, furniture,
4 and other personal effects that may be in the possession of the person in charge of the ward's care, comfort,
5 and maintenance at the time of the ward's death."
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6

7 **Section 5.** Section 72-5-324, MCA, is amended to read:

8 **"72-5-324. Termination of appointment -- how effected -- certain liabilities and obligations not**
9 **affected.** (1) (a) Except as provided in subsection (1)(b), the authority and responsibility of a guardian for an
10 incapacitated person terminates upon the death of the guardian or ward, the determination of incapacity of the
11 guardian, or upon removal or resignation as provided in 72-5-325. Testamentary appointment under an
12 informally probated will terminates if the will is later denied probate in a formal proceeding.

13 (b) The guardian's authority and responsibility for an incapacitated person who dies while the
14 person is a ward of the guardian terminate when the guardian has completed arrangements for the final
15 disposition of the ward's physical remains and personal effects, as provided in ~~72-5-324(7)~~ 72-5-321(8).

16 (2) Termination does not affect the guardian's liability for prior acts or the guardian's obligation to
17 account for funds and assets of the ward."
18

18

19 **Section 6.** Section 72-5-410, MCA, is amended to read:

20 **"72-5-410. Who may be appointed conservator -- priorities.** (1) The court may appoint an
21 individual or a corporation with general power to serve as trustee as conservator of the estate of a protected
22 person. The following are entitled to consideration for appointment in the order listed:

23 (a) a conservator, guardian of property, or other like fiduciary appointed or recognized by the
24 appropriate court of any other jurisdiction in which the protected person resides;

25 (b) an individual or corporation nominated by the protected person if the person is 14 years of age
26 or older and has, in the opinion of the court, sufficient mental capacity to make an intelligent choice;

27 (c) the spouse of the protected person;

28 (d) an adult child of the protected person;

- 1 (e) a parent of the protected person or a person nominated by the will of a deceased parent;
- 2 (f) any relative of the protected person with whom the protected person has resided for more than
- 3 6 months prior to the filing of the petition;
- 4 (g) a person nominated by the person who is caring for the person or paying benefits to the
- 5 person;
- 6 (h) a conservator corporation organized under Title 35, chapter 2;
- 7 (i) the public administrator.

8 (2) A person in priorities listed in subsections (1)(a) and (1)(c) through (1)(f) may nominate in
9 writing a person to serve in that person's stead.

10 (3) With respect to persons having equal priority, the court is to select the one who is best qualified
11 of those willing to serve. The court, for good cause, may pass over a person having priority and appoint a
12 person having less priority or no priority.

13 (4) To ensure a person is best qualified to serve as conservator, the court shall require the person
14 to complete conservatorship training prescribed by the Montana supreme court prior to the person's
15 appointment as a conservator.

16 (5) Before appointing a person who is not the parent, child, or spouse of a protected person as
17 conservator to that protected person, the court shall require the person nominated as conservator to complete a
18 fingerprint background check and a credit check and provide the results to the court.

19 (6) (a) Before appointing a person who is the parent, child, or spouse of a protected person as
20 conservator to that protected person, the court shall require the person nominated as conservator to:

21 (i) file with the court an affidavit stating whether the person has been investigated for offenses
22 related to fraud or theft, or the abuse, neglect, or exploitation of an adult or child; and

23 (ii) submit a release authorizing the court access to related information maintained by a federal
24 agency or an agency in this state or another state.

25 (b) If the affidavit or related information in subsection (6)(a) raises concerns for the court, the court
26 may require the person to complete a fingerprint background and credit check in addition to the affidavit prior to
27 appointing the person as conservator.

28 (7) The court may decline to appoint a person as conservator if the results of a fingerprint

1 background check, credit check, or the contents of an affidavit and affidavit-related information described in
2 subsections (5) or (6) indicate the person is not suitable to serve the protected person as a conservator."

3

4 **Section 7.** Section 72-5-438, MCA, is amended to read:

5 **"72-5-438. Accounts -- final and intermediate.** (1) (a) Each conservator shall account to the court
6 for administration of the trust:

7 (i) not less than annually, unless ~~the court directs otherwise,~~ required by the court to account
8 more frequently;

9 (ii) upon resignation or removal; and

10 (iii) at other times as the court may direct.

11 (b) On termination of the protected person's minority or disability, a conservator shall account to
12 the court or to the formerly protected person or the successors of that person.

13 (c) The conservator shall use the document provided by the Montana supreme court to account to
14 the court for administration of the trust.

15 (2) Subject to appeal or vacation within the time permitted, an order, after notice and hearing,
16 allowing an intermediate account of a conservator adjudicates as to liabilities concerning the matters
17 considered in connection with the hearing; and an order, following notice and hearing, allowing a final account
18 adjudicates as to all previously unsettled liabilities of the conservator to the protected person or the protected
19 person's successors relating to the conservatorship.

20 (3) In connection with any account, the court may require a conservator to submit to a physical
21 check of the estate, to be made in any manner the court specifies."

22

23 **Section 8.** Section 72-5-445, MCA, is amended to read:

24 **"72-5-445. Notice of hearing.** (1) Notice of the hearing of the petition must be given, regardless of
25 age, for the period and in the manner provided by 72-1-301 to all of the following:

26 ~~(1)~~(a) the persons required to be named in a petition for the appointment of a conservator;

27 ~~(2)~~(b) so far as is known to the petitioner, beneficiaries under any document executed by the
28 protected person that may have testamentary effect unless the court for good cause dispenses with such

1 notice;

2 ~~(3)(c)~~ if the proposed action involves a trust, to all persons entitled to receive notice with respect to
3 such an action under Title 72, chapter 38;

4 ~~(4)(d)~~ so far as is known to the petitioner, the persons who, if the protected person were to die
5 immediately, would be the protected person's heirs under the laws of intestate succession unless the court for
6 good cause dispenses with the notice; and

7 ~~(5)(e)~~ other persons as the court may order.

8 (2) For a hearing regarding a petition for the appointment of a conservator for reasons other than
9 minority, the court shall send to the person to be protected plain-language information that includes:

10 (i) a general overview of the proceeding, including the rights of the person to be protected, and
11 the requirements of 72-5-408(2);

12 (ii) the rights of a protected person, and how a protected person is distinct from a person to be
13 protected;

14 (iii) the duties and requirements of a conservator as provided for in 72-5-410, 72-5-428, and 72-5-
15 438; and

16 (iv) the grievance process prescribed in [section 10]."

17
18 **NEW SECTION. Section 9. Professional conservator and professional guardian -- conservator**
19 **and guardianship services provided by business or nonprofit or for a fee -- certification required.** (1) To
20 act as a professional guardian or conservator, a person must be certified by a guardianship or conservatorship
21 organization that is approved by the Montana supreme court.

22 (2) If a business or nonprofit entity provides guardianship or conservatorship services, it must have
23 a professional guardian or conservator involved in the provision of these services.

24 (3) If a person provides guardianship or conservatorship services for a fee, the person must be
25 certified as a professional guardian or conservator.

26
27 **NEW SECTION. Section 10. Grievance against guardian or conservator.** (1) A ward or protected
28 person, or person interested in the welfare of a ward or protected person, who reasonably believes the

1 guardian or conservator is in violation of this chapter, may file a report with the court that appointed the
2 guardian or conservator.

3 (2) The Montana supreme court shall develop a brief, plain-language guardian and conservator
4 report document and make the document publicly available online. The document must include plain-language
5 instructions on how to file the report with a court.

6 (3) Except as provided in subsection (6), upon receipt of a report against a guardian or
7 conservator, the court shall review the report and court records related to the guardianship or conservatorship
8 and determine what action the court will take pursuant to subsection (5).

9 (4) Once the court determines the action it will take pursuant to subsection (5), the court shall
10 notify the ward or protected person of its decision in plain language.

11 (5) The court may take one or more of the following actions in response to a report against a
12 guardian or conservator:

13 (a) order the guardian or conservator to provide the court a report, accounting, inventory, updated
14 plan, or other information;

15 (b) appoint a guardian ad litem to the ward or protected person;

16 (c) appoint an attorney to the ward or protected person; or

17 (d) hold a hearing to:

18 (i) learn additional information required to determine the most appropriate action;

19 (ii) remove the guardian or conservator and appoint a new guardian or conservator, including a
20 temporary guardian pursuant to 72-5-317; or

21 (iii) terminate or modify the guardianship or conservatorship.

22 (6) The court may decline to act under subsection (3) if a similar report was filed within the six
23 months preceding the filing of the current report and the court followed the procedures of subsection (5) in
24 relation to the earlier report.

25

26 NEW SECTION. **Section 11. Effective date.** [This act] is effective [***]

27

- END -