Enrolled Copy

POWER OF ATTORNEY AMENDMENTS
2022 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Melissa G. Ballard
Senate Sponsor: Todd D. Weiler
LONG TITLE
General Description:
This bill amends provisions related to a power of attorney.
Highlighted Provisions:
This bill:
 amends provisions related to the nomination of a conservator or a guardian in a
power of attorney; and
 makes technical and conforming changes.
Money Appropriated in this Bill:
None
Other Special Clauses:
None
Utah Code Sections Affected:
AMENDS:
75-9-108, as enacted by Laws of Utah 2016, Chapter 256
Be it enacted by the Legislature of the state of Utah:
Section 1. Section 75-9-108 is amended to read:
75-9-108. Nomination of conservator or guardian Adequacy of power of
attorney Relation of agent to conservator or other fiduciary.
(1) In a power of attorney, a principal may nominate a conservator of the principal's
estate or <u>a</u> guardian of the principal's person for consideration by the court if protective
proceedings for the principal's estate or person are begun after the principal executes the power

H.B. 149

30	of attorney. [Except for good cause shown or disqualification, the court shall make its
31	appointment in accordance with the principal's most recent nomination.]
32	[(2) If, after a principal executes a power of attorney, a court appoints a conservator of
33	the principal's estate or other fiduciary charged with the management of some or all of the
34	principal's property, the agent is accountable to the fiduciary as well as to the principal.]
35	(2) If a principal executes a power of attorney and a petition is filed to appoint a
36	conservator of the principal's estate, the court shall consider whether:
37	(a) the provisions in the power of attorney are adequate to manage and protect the
38	principal's estate without appointing a conservator; or
39	(b) the appointment of a conservator is necessary to manage and protect the principal's
40	estate.
41	(3) If the court appoints a conservator of the principal's estate or a guardian of the
42	principal's person, the court shall appoint a conservator or a guardian in accordance with the
43	principal's most recent nomination unless there is good cause shown or disqualification.
44	(4) If, after a principal executes a power of attorney, the court determines that an
45	appointment of a conservator or other fiduciary is necessary to manage and protect some or all
46	of the principal's estate:
47	(a) the agent named in the principal's power of attorney is accountable to the
48	conservator or other fiduciary as well as the principal; and
49	(b) [The] the power of attorney is not terminated and the agent's authority continues
50	unless limited, suspended, or terminated by the court.