

STATEMENT OF PURPOSE

RS18390C1

The Idaho uniform probate code under Title 15, provides for nomination by will of a guardian for incapacitated persons. Under the code, the definition of incapacitated person specifically excludes those who fall within the separate definition of developmentally disabled. A separate procedure for appointment of guardians for developmentally disabled persons is provided for under section 66-404. Because of the exclusion of developmentally disabled persons from the definition of incapacitated persons in the probate code, and the lack of a nomination provision under Title 66, Chapter 4, there is no provision allowing a parent to make a testamentary nomination of a guardian for a developmentally disabled child. This bill corrects that omission by extending the provision for testamentary nomination of a guardian in the probate code to include developmentally disabled persons. Section 66-404, governing the procedure for appointing guardians for developmentally disabled persons is also amended to allow recognition of the testamentary nomination.

FISCAL NOTE

There is no fiscal impact.

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