

State Law Definitions of Termination of Guardianship¹

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The purpose of the chart is to assist judges in identifying the state law definitions of termination of guardianship. For SIJS proceedings, the petitioner must be the subject of a juvenile court order that declares him or her dependent on a juvenile court.² The child must remain under the jurisdiction of the juvenile court at the time of the filing and adjudication of the SIJ petition.³ One of the exceptions to this requirement is if the juvenile court jurisdiction ended solely because the petitioner was placed under a permanent guardianship.⁴

The chart will help Judges to identify when a guardianship is permanent and what are the reasons under state law to terminate a guardianship. The causes that terminates a guardian's authority and responsibility accordingly to state laws are frequently:

- Death
- Resignation, or
- Removal of the guardian
- Minor's death
- Adoption
- Marriage
- Attainment of Majority

Jurisdiction	Text of statute	Permanent until changed – Yes or No?
Alabama	<p>§ 26-2A – 79 Termination of appointment of Guardian A guardian's authority and responsibility terminate upon:</p> <ul style="list-style-type: none"> • Death • Resignation, or • Removal of the guardian • Minor's death • Adoption, • Marriage • Attainment of majority <p>But termination does not affect the guardian's liability for prior acts or the obligation to account for funds and assets of the ward. Resignation of a guardian does not terminate the guardianship until it has been approved by the court.</p>	Yes

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² *Appendix D1: USCIS SIJS Policy Manual Volume 6 – Immigrants Part J – Special Immigrant Juveniles*, in NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, SPECIAL IMMIGRANT JUVENILE STATUS BENCH BOOK: A NATIONAL GUIDE TO BEST PRACTICES FOR JUDGES AND COURTS (2017) [hereinafter SIJS BENCH BOOK], <http://niwaplibrary.wcl.american.edu/pubs/appendix-d1-uscis-sijs-policy-manual-full-vol-6/>

³ *See Appendix D1: USCIS SIJS Policy Manual Volume 6 – Immigrants Part J – Special Immigrant Juveniles*, in NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, SIJS BENCH BOOK (2017), <http://niwaplibrary.wcl.american.edu/pubs/appendix-d1-uscis-sijs-policy-manual-full-vol-6/>

⁴ *See Appendix D1: USCIS SIJS Policy Manual Volume 6 – Immigrants Part J – Special Immigrant Juveniles*, in NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, SIJS BENCH BOOK (2017), <http://niwaplibrary.wcl.american.edu/pubs/appendix-d1-uscis-sijs-policy-manual-full-vol-6/>

	<p>NOTE:</p> <p>Ala. Code 1975 § 26-2A-81 § 26-2A-81. Resignation, removal In the welfare of a ward or the ward, if 14 or more years of age, may petition for removal of a guardian on the ground that removal would be in the best interest of the ward or for any other order that is in the best interest of the ward. A guardian may petition for permission to resign. A petition for removal or for permission to resign may, but need not, include a request for appointment of a successor guardian</p>	
Alaska	<p>§ 13.26.171. Termination of appointment of guardian; general A guardian’s authority and responsibility terminate upon the:</p> <ul style="list-style-type: none"> • Death, • Resignation, • Minor’s death, • Attainment of majority • Adoption or marriage, <p>But termination does not affect the guardian's liability for prior acts, nor the obligation to account for funds and assets of the ward. Resignation of a guardian does not terminate the guardianship until it has been approved by the court. A testamentary appointment under an informally probated will terminates if the will is later denied probate in a formal proceeding.</p>	Yes
Arizona	<p>§ 14-5210 - Termination of appointment of Guardian A guardian’s authority and responsibility terminates on the:</p> <ul style="list-style-type: none"> • Death, • Resignation or removal, • Minor’s death • Adoption • Marriage or attainment of majority. <p>Termination does not affect the guardian's liability for prior acts or the guardian's obligation to account for the ward's monies and assets. Resignation of a guardian does not terminate the guardianship until it has been approved by the court.</p> <p>NOTE:</p> <p>A.R.S. § 14-5212 - Resignation or removal proceedings Any person interested in the welfare of a ward or the ward, if fourteen or more years of age, may petition for removal of a guardian on the ground that removal would be in the best interests of the ward, or for any other order that is in the best interest of the ward. A guardian may petition for permission to resign. A petition for removal or for permission to resign may, but need not, include a request for appointment of a successor guardian</p>	Yes
Arkansas	<p>A.C.A. § 28-65-706 - Termination of guardianships The court having jurisdiction of the ward shall not terminate the guardianship of a living ward of the Public Guardian for Adults unless the court declares that the ward is restored to capacity or a successor guardian is appointed</p>	Yes
California	<p>West's Ann.Cal.Prob.Code § 1600 - Majority, death, adoption, or emancipation of ward (a) A guardianship of the person or estate or both terminates when the ward</p> <ul style="list-style-type: none"> • attains majority unless, pursuant to <u>Section 1510.1</u>, the ward requests the extension of, or consents to the extension of, the guardianship of the person until the ward attains 21 years of age. <p>(b) A guardianship of the person terminates</p> <ul style="list-style-type: none"> • upon the death of the ward, • the adoption of the ward, or upon • the emancipation of the ward under <u>Section 7002 of the Family Code.</u> <p>NOTE:</p>	Yes

	<p>West's Ann.Cal.Prob.Code § 1510.1 - Appointment of guardian for unmarried individual between 18 and 21 years of age; findings regarding special immigrant juvenile status; rights as an adult; adoption of rules and forms for implementation</p> <p>(a)(1) With the consent of the proposed ward, the court may appoint a guardian of the person for an unmarried individual who is 18 years of age or older, but who has not yet attained 21 years of age, in connection with a petition to make the necessary findings regarding special immigrant juvenile status pursuant to <u>subdivision (b) of Section 155 of the Code of Civil Procedure</u>.</p> <p>(2) A petition for guardianship of the person of a proposed ward who is 18 years of age or older, but who has not yet attained 21 years of age, may be filed by a relative or any other person on behalf of the proposed ward, or the proposed ward.</p> <p>(b)(1) At the request of, or with the consent of, the ward, the court may extend an existing guardianship of the person for a ward past 18 years of age, for purposes of allowing the ward to complete the application process with the United States Citizenship and Immigration Services for classification as a special immigrant juvenile pursuant to <u>Section 1101(a)(27) (J) of Title 8 of the United States Code</u>.</p> <p>(2) A relative or any other person on behalf of a ward, or the ward, may file a petition to extend the guardianship of the person for a period of time not to extend beyond the ward reaching 21 years of age.</p> <p>(c) This section does not authorize the guardian to abrogate any of the rights that a person who has attained 18 years of age may have as an adult under state law, including, but not limited to, decisions regarding the ward's medical treatment, education, or residence, without the ward's express consent.</p> <p>(d) For purposes of this division, the terms "child," "minor," and "ward" include an unmarried individual who is younger than 21 years of age and who, pursuant to this section, consents to the appointment of a guardian or extension of a guardianship after he or she attains 18 years of age.</p> <p>(e) The Judicial Council shall, by July 1, 2016, adopt any rules and forms needed to implement this section.</p>	
<p>Colorado</p>	<p>C.R.S.A. § 15-14-210 - Termination of guardianship</p> <p>(1) A guardianship may terminate upon the:</p> <ul style="list-style-type: none"> • minor's death, • adoption, • emancipation or attainment of majority • as ordered by court <p>(2) A ward or a person interested in the welfare of a ward may petition for any order that is in the best interest of the ward. The petitioner shall give notice of the hearing on the petition to the ward, if the ward has attained twelve years of age and is not the petitioner, the guardian, and any other person as ordered by the court.</p> <p>C.R.S.A. § 15-14-318 - Termination or modification – resignation or removal of guardian</p> <p>(1) A guardianship terminates upon the death of the ward or upon order of the court.</p> <p>(2) On petition of a ward, a guardian, or another person interested in the ward's welfare, the court shall terminate a guardianship if the ward no longer meets the standard for establishing the guardianship. The court may modify the type of appointment or powers granted to the guardian if the extent of protection or assistance previously granted is currently excessive or insufficient or the ward's capacity to provide for support, care, education, health, and welfare has so changed as to warrant that action.</p> <p>C.R.S.A. § 15-14-112 - Termination of or change in guardian's or conservator's appointment</p> <p>(1) The appointment of a guardian or conservator terminates upon</p> <ul style="list-style-type: none"> • the death, resignation, or removal of the guardian or conservator or • upon termination of the guardianship or conservatorship. • A resignation of a guardian or conservator is effective when approved by the court. • A parental appointment as guardian under an informally probated will terminates if the will is later denied probate in a formal proceeding. <p>Termination of the appointment of a guardian or conservator without a decree of discharge does not affect the liability of either for previous acts or the obligation to account for money and other assets of the ward or protected person.</p> <p>(2) A guardian or conservator may petition for permission to resign. A petition for removal of a guardian or conservator shall be governed by the provisions of <u>section 15-10-503</u>. A petition for removal or permission to resign may include a request for appointment of a successor guardian or conservator.</p>	<p>Yes</p>
<p>Connecticut</p>	<p><u>PROBATE COURT USER GUIDE: GUARDIANS OF MINORS- CONNECTICUT PROBATE COURTS (Published by Office of the Probate Court Administrator, State of Connecticut) – page 2</u></p> <p>Temporary Guardian:</p>	<p>Yes</p>

	<p>If a parent of a minor is unable to care for the minor for a period of time due to illness, absence from the area or for some other reason, the parent may file a petition for appointment of a temporary guardian of the person in the Probate Court for the district in which the minor resides.</p> <p>The temporary guardian serves with, but does not replace, the parent as natural guardian, so that either the parent or the temporary guardian may make important decisions affecting the minor. The appointment expires in 12 months, but the parent may file a new petition for temporary guardianship when it expires. The parent has the right to terminate the temporary guardianship at any time.</p> <p>CHAPTER Sec. 45a-622. (Formerly Sec. 45-45g). Appointment of temporary guardian. Application. Rights and obligations.</p> <p>(a) Any parent or guardian of the person of a minor may apply to the court of probate for the district in which the minor lives for the appointment of a temporary guardian of the person to serve for no longer than one year if the appointing parent or guardian is unable to care for the minor for any reason including, but not limited to, illness and absence from the jurisdiction. The temporary guardian will cease to serve when the appointing parent or guardian notifies the probate court and the temporary guardian to that effect.</p> <p><u>PROBATE COURTS AND PROCEDURE- CHAPTER 802h- Protected Persons and their Property:</u> <u>Sec. 45a-613. (Formerly Sec. 45-45a). Removal of guardian, coguardian or permanent guardian of the person of a minor.</u></p> <p>(a) Any guardian, coguardians or permanent guardian of the person of a minor appointed under section 45a-616 or section 45a-616a, or appointed by a court of comparable jurisdiction in another state, may be removed by the court of probate which made the appointment, and another guardian, coguardian or permanent guardian appointed, in the same manner as that provided in sections 45a-603 to 45a-622, inclusive, for removal of a parent as guardian:</p> <p>Sec. 45a-610. (Formerly Sec. 45-44c). Removal of parent as guardian. If the Court of Probate finds that notice has been given or a waiver has been filed, as provided in section 45a-609, it may remove a parent as guardian, if the court finds by clear and convincing evidence one of the following:</p> <ol style="list-style-type: none"> (1) The parent consents to his or her removal as guardian; or (2) the minor child has been abandoned by the parent in the sense that the parent has failed to maintain a reasonable degree of interest, concern or responsibility for the minor child's welfare; or (3) the minor child has been denied the care, guidance or control necessary for his or her physical, educational, moral or emotional well-being, as a result of acts of parental commission or omission, whether the acts are the result of the physical or mental incapability of the parent or conditions attributable to parental habits, misconduct or neglect, and the parental acts or deficiencies support the conclusion that the parent cannot exercise, or should not in the best interests of the minor child be permitted to exercise, parental rights and duties at the time; or (4) the minor child has had physical injury or injuries inflicted upon the minor child by a person responsible for such child's health, welfare or care, or by a person given access to such child by such responsible person, other than by accidental means, or has injuries which are at variance with the history given of them or is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment; or (5) the minor child has been found to be neglected or uncared for, as defined in section 46b-120. <p>If, after removal of a parent as guardian under this section, the minor child has no guardian of his or her person, such a guardian may be appointed under the provisions of section 45a-616.</p>	
<p>Delaware</p>	<p>13 Del.C. § 2332 - Termination, modification or rescission of guardianship order</p> <p>(1) Termination. --Except as otherwise specified in this chapter, guardianship of a child terminates:</p> <ul style="list-style-type: none"> • Upon the guardian's death; • Upon adoption of the child; • When the child reaches the age of majority; or • As otherwise ordered by the Court. <p>(2) Modification. --Except as otherwise specified in this chapter, an order of guardianship may be modified regarding contact, visitation or sharing of information at any time if it is in the best interests of the child.</p> <p>(3) Rescission. --Except as otherwise specified in this chapter, an order of guardianship may be rescinded upon a judicial determination that petitioner has made a preliminary showing the guardianship is no longer necessary for the reason(s) it was established, unless:</p>	<p>Yes</p>

	<ul style="list-style-type: none"> • The Court finds that the guardian has established, by a preponderance of the evidence, that the child will be dependent, neglected, and/or abused in the care of the parent or parents seeking rescission; or • The Court finds that the guardian has established, by clear and convincing evidence, that the child will suffer physical or emotional harm if the guardianship is terminated. <p>NOTE: 13 Del.C. § 2359 - Termination, modification or rescission of permanent guardianship order (b) Modification. --Except as otherwise specified in this chapter, an order of permanent guardianship may be modified regarding contact, visitation or sharing of information only upon a finding:</p> <ul style="list-style-type: none"> • That there has been a substantial change in material circumstances; and • That modification is in the best interests of the child. <p>(c) Rescission. --</p> <p>(1) An order of permanent guardianship may be rescinded only upon a finding:</p> <ul style="list-style-type: none"> • That there has been a substantial change in material circumstances; and • That rescission is in the best interests of the child. <p>(2) A parent may not petition the Court to rescind a permanent guardianship once granted under this chapter.</p> <p>(3) Where the permanent guardianship is rescinded by the Court, custody of the child shall not automatically revert to the parent. At any subsequent hearing, the parent shall be considered with no greater priority than any other person or agency, and in entering any further order regarding the child the Court shall apply the best interests of the child standard.</p> <p>(4) If the permanent guardianship is rescinded, and DSCYF held custody immediately prior to the entry of the order, custody shall revert to DSCYF.</p> <p>(d) Upon a showing by affidavit of immediate harm to a child, the Court may temporarily:</p> <p>(1) Stay a permanent guardianship order on an ex parte basis pending a hearing and grant temporary custody of the child to DSCYF or temporary guardianship to petitioner; and/or</p> <p>(2) Stay the visitation, contact or information provisions of a permanent guardianship order on an ex parte basis pending a hearing.</p>	
<p>District of Columbia</p>	<p>DC ST § 21-104 - Termination of guardianship of the person A natural guardianship or an appointive guardianship of the person of an infant cease when said infant becomes 18 years of age, or marries.</p> <p>NOTE: DC ST § 21-2049 - Removal or resignation of guardian; termination of incapacity. (a)(1) On petition of the guardian, the court, after a hearing, may accept a resignation of a guardian. (2) The court may remove a temporary guardian at any time. (3) On petition of the ward or any interested person, or on the court's own motion, the court, after a hearing, may remove a limited guardian or a general guardian for any of the following reasons: (A) Failure to discharge his or her duties, including failure to conform as closely as possible to a standard of substituted judgment or, if the ward's wishes are unknown and remain unknown after reasonable efforts to discern them, to make a decision on the basis of the ward's best interests, pursuant to <u>section 21-2047(a)(6) or 21-2047.02(b)(2)</u>; (B) Abuse of his or her powers; (C) Failure to comply with any order of the court; (D) Failure to educate or provide for the ward as liberally as the ward's financial situation permits, if education and financial management fall within the scope of the guardianship; (E) Interference with the ward's progress or participation in programs in the community; or (F) For any other good cause. (b) The ward or any person interested in the welfare of the ward may petition for an order that the ward is no longer incapacitated and for termination of the guardianship. A request for an order may also be made informally to the court and any individual who knowingly interferes with transmission of the request may be adjudged guilty of contempt of court. A ward seeking termination is entitled to the same rights and procedures as in an original proceeding for appointment of a guardian. (c) Upon removal, resignation, or death of the guardian, or if the guardian is determined to be incapacitated, the court may appoint a successor guardian and make any other appropriate order. Before appointing a successor guardian, or ordering that a ward's incapacity has terminated, the court shall</p>	<p>Yes</p>

	follow the same procedures to safeguard the rights of the ward that apply to a petition for appointment of a guardian.	
Florida	Fla. Stat. § 39.6221. Permanent guardianship of a dependent child. (5) The court shall retain jurisdiction over the case and the child shall remain in the custody of the permanent guardian unless the order creating the permanent guardianship is modified by the court. The court shall discontinue regular review hearings and relieve the department of the responsibility for supervising the placement of the child. Notwithstanding the retention of jurisdiction, the placement shall be considered permanency for the child.	Yes
Georgia	Ga. Code Ann., § 29-2-8 - Termination (1) A temporary guardianship shall terminate on the date upon the earliest of the following occurs: the minor reaches age 18, the minor is adopted, the minor is emancipated, the minor dies, the temporary guardian dies, letters of guardianship are issued to a permanent or testamentary guardian, or a court order terminating the temporary guardianship is entered. Proof of adoption, death, or emancipation shall be filed with the court and the court may order a hearing in an appropriate case. (2) Either natural guardian of the minor may at any time petition the court to terminate a temporary guardianship ; provided, however, that notice of such petition shall be provided to the temporary guardian. If no objection to the termination is filed by the temporary guardian within ten days of the notice, the court shall order the termination of the temporary guardianship . If the temporary guardian objects to the termination of the temporary guardianship within ten days of the notice, the court shall have the option to hear the objection or transfer the records relating to the temporary guardianship to the juvenile court, which shall determine, after notice and hearing, whether a continuation or termination of the temporary guardianship is in the best interest of the minor.	Yes
Hawaii	HRS § 560:5-210 - Termination of guardianship; other proceedings after appointment (1) A guardianship of a minor terminates upon <ul style="list-style-type: none"> • the minor's death, • adoption, • emancipation or attainment of majority, or • as ordered by the court. (2) A ward or a person interested in the welfare of a ward may petition for any order that is in the best interest of the ward. The petitioner shall give notice of the hearing on the petition to the ward, if the ward has attained fourteen years of age and is not the petitioner, the guardian, and any other person as ordered by the court	Yes
Idaho	I.C. § 15-5-210 - Termination of appointment of guardian--General A guardian's authority and responsibility terminates <ul style="list-style-type: none"> • upon the death, • resignation or removal of the guardian, • upon the minor's death, • adoption, • marriage or attainment of majority, but termination does not affect his liability for prior acts, nor his obligation to account for funds and assets of his ward. NB: Resignation of a guardian without the appointment of a successor guardian does not terminate the guardianship until it has been approved by the court. A testamentary appointment under an informally probated will terminates if the will is later denied probate in a formal proceeding. I.C. § 15-5-318 - Termination or modification of guardianship (1) A guardianship terminates <ul style="list-style-type: none"> • upon the death of the ward or • upon order of the court. (2) On petition of a ward, a guardian, or another person interested in the ward's welfare, the court may terminate a guardianship <ul style="list-style-type: none"> • if the ward no longer needs the assistance or protection of a guardian. • The court may modify the type of appointment or powers granted to the guardian if the extent of protection or assistance previously granted is currently excessive or insufficient or the ward's capacity to provide for support, care, education, health, and welfare has so changed as to warrant that action 	Yes

	<p>NOTE:</p> <p>§ 15-5-212. Resignation, removal, modification or termination proceedings</p> <p>(1) Any person interested in the welfare of a ward, or the ward if fourteen (14) or more years of age, may petition for removal of a guardian, or for modification or termination of the guardianship, on the ground that such removal, modification or termination would be in the best interest of the ward. A guardian may petition for permission to resign. A petition for removal or for permission to resign may, but need not, include a request for appointment of a successor guardian.</p> <p>(2) After notice and hearing on a petition for removal or for permission to resign, the court may terminate the guardianship and make any further order that may be appropriate.</p> <p>(3) If, at any time in the proceeding, the court determines that the interests of the ward are, or may be, inadequately represented, it may appoint an attorney to represent the minor, giving consideration to the preference of the minor if the minor is fourteen (14) or more years of age.</p>	
Illinois	<p>755 ILCS 5/24-12 - Termination of office of a representative of a ward</p> <p>The office of a representative of a ward terminates when the ward</p> <ul style="list-style-type: none"> • if a minor attains his majority, • when the letters of a representative are revoked, • when the representative dies or, subject to Section 24-19, when the ward dies. • The marriage of a minor ward terminates the right of the minor's guardian to the ward's custody and education but not to the minor's estate. 	Yes
Indiana	<p>IC 29-3-12-1 - Conditions for termination of guardianship; effect of termination on guardianship powers</p> <p>Sec. 1. (a) Except as provided in section 6 or 7 of this chapter, the court shall terminate the guardianship of a minor upon:</p> <ul style="list-style-type: none"> • the minor's attaining eighteen (18) years of age; or • the minor's death. • The court may terminate the guardianship of a minor upon the minor's adoption or marriage. <p>NOTE:</p> <p>IC 29-3-12-6 - Guardianship extends beyond age 18 if minor is incapacitated or receives certain DCS assistance</p> <p>Sec. 6.</p> <p>(a) If a protected person:</p> <ol style="list-style-type: none"> (1) is a minor; and (2) has been adjudicated (3) an incapacitated person; <p>The court may not terminate the guardianship of the protected person when the protected person attains eighteen (18) years of age.</p> <p>(b) If a protected person is:</p> <ol style="list-style-type: none"> (1) a minor; and (2) a recipient or beneficiary of financial assistance provided by the department of child services through a guardianship described in IC 31-9-2-17.8(1)(E); <p>The court may not terminate the guardianship of the protected person when the protected person attains eighteen (18) years of age.</p>	Yes

<p>Iowa</p>	<p>I.C.A. § 633.675- Cause for termination</p> <p>(1) A guardianship shall cease, and a conservatorship shall terminate, upon the occurrence of any of the following circumstances:</p> <ul style="list-style-type: none"> • If the ward is a minor, when the ward reaches full age. • The death of the ward. • A determination by the court that the ward is no longer a person whose decision-making capacity is so impaired as to bring the ward within the categories of section 633.552, subsection 2, paragraph “a”, or section 633.566, subsection 2, paragraph “a”. <p>In a proceeding to terminate a guardianship or a conservatorship, the ward shall make a prima facie showing that the ward has some decision-making capacity. Once the ward has made that showing, the guardian or conservator has the burden to prove by clear and convincing evidence that the ward's decision-making capacity is so impaired, as provided in section 633.552, subsection 2, paragraph “a”, or section 633.566, subsection 2, paragraph “a”, that the guardianship or conservatorship should not be terminated.</p> <p>d. Upon determination by the court that the conservatorship or guardianship is no longer necessary for any other reason.</p> <p>(2) Notwithstanding subsection 1, paragraphs “a” through “d”, if the court appointed a guardian for a minor child for whom the court's jurisdiction over the child's guardianship was established pursuant to transfer of the child's case in accordance with section 232.101A or 232.104, the court shall not enter an order terminating the guardianship before the child becomes age eighteen unless the court finds by clear and convincing evidence that the best interests of the child warrant a return of custody to the child's parent.</p>	<p>Yes</p>
<p>Kansas</p>	<p>K.S.A. 59-3092 - Termination of guardianship or conservatorship</p> <p>The court at any time may enter an order summarily terminating the guardianship in any of the following circumstances:</p> <ul style="list-style-type: none"> • the ward is deceased; • the ward, who was a minor and not adjudicated to be a minor with an impairment which would otherwise make that minor an adult with an impairment in need of a guardian, has become 18 years of age, has had the rights of majority conferred upon them pursuant to K.S.A. 38-108, and amendments thereto, or is now considered to be of the age of majority pursuant to K.S.A. 38-101, and amendments thereto; or • no further need for the guardianship exists 	<p>Yes</p>
<p>Kentucky</p>	<p>KRS § 388.340</p> <p>388.340 Termination of guardianship or conservatorship</p> <p>Upon filing a petition, or certificate, showing that a minor ward has attained majority, or that a mentally disabled ward has been rated competent upon examination in accordance with the law, the court may order the guardian or conservator to file a final account; and, upon hearing, after notice to the former minor or mentally disabled person and to the Veterans Affairs in the manner and within the time provided by KRS 388.280, and upon approval of the final account, the court may so adjudge and discharge the guardian or conservator and release the sureties from liability upon delivery to the former ward of the assets due him by the former guardian or conservator, and may make such further order as may be lawful.</p>	<p>Yes</p>
<p>Louisiana</p>	<p>La. Child. Code Ann. § art.7Art. 724. Motion for modification of guardianship; termination of guardianship.</p> <p>D. A guardianship order may be modified or terminated if the court finds by clear and convincing evidence that there has been a substantial and material change in the circumstances of the guardian or child because of any of the following:</p> <ul style="list-style-type: none"> • The guardian no longer wishes to serve or can no longer serve as guardian of the child. • (2) Continuation of the guardianship is so deleterious to the child as to justify a modification or termination of the relationship or the harm likely to be caused from a change in the guardianship is substantially outweighed by the advantages to the child of the modification. <p>E. The court shall hold a hearing before modifying or terminating a guardianship and shall, at the conclusion of the hearing, enter a written order that includes the findings upon which the order is based.</p>	

<p>Maine</p>	<p>18-A M.R.S.A. § 5-212 § 5-212. Resignation or removal proceedings</p> <p>(a) Any person interested in the welfare of a ward, or the ward, if 14 or more years of age, may petition for removal of a guardian on the ground that removal would be in the best interest of the ward. A guardian may petition for permission to resign. A petition for removal or for permission to resign may, but need not, include a request for appointment of a successor guardian.</p> <p>(b) After notice and hearing on a petition for removal or for permission to resign, the court may terminate the guardianship and make any further order that may be appropriate.</p> <p>(c) If, at any time in the proceeding, the court determines that the interests of the ward are, or may be, inadequately represented, it may appoint an attorney to represent the minor, giving consideration to the preference of the minor if the minor is 14 or more years of age.</p> <p>(d) The court may not terminate the guardianship in the absence of the guardian's consent unless the court finds by a preponderance of the evidence that the termination is in the best interest of the ward. The petitioner has the burden of showing by a preponderance of the evidence that termination of the guardianship is in the best interest of the ward. If the court does not terminate the guardianship, the court may dismiss subsequent petitions for termination of the guardianship unless there has been a substantial change of circumstances.</p> <p>(e) In a contested action, the court may appoint counsel for any indigent guardian or petitioner.</p>	<p>Yes</p>
<p>Maryland</p>	<p>MD Code, Estates and Trusts, § 13-221 § 13-221. Termination of guardianship proceedings Petitions to terminate guardianship</p> <p>(a) The minor or disabled person, his personal representative, the guardian, or any other interested person may petition the court to terminate the guardianship proceedings.</p> <p>Grounds for termination</p> <p>(b) A guardianship proceeding shall terminate upon:</p> <ol style="list-style-type: none"> (1) The cessation of the minority or disability; (2) The death or presumptive death of the minor or disabled person; (3) Transfer of all the assets of the estate to a foreign fiduciary; or (4) Other good cause for termination as may be shown to the satisfaction of the court. 	<p>Yes</p>
<p>Massachusetts</p>	<p>M.G.L.A. 190B § 5-212 § 5-212. Resignation, removal, and other post-appointment proceedings [Resignation, Removal, and Other Post-appointment Proceedings.]</p> <p>(a) Any person interested in the welfare of a ward or the ward, if 14 or more years of age, may petition for removal of a guardian on the ground that removal would be in the best interest of the ward or for any other order that is in the best interest of the ward. A guardian may petition for permission to resign. A petition for removal or for permission to resign may, but need not, include a request for appointment of a successor guardian.</p> <p>(b) Notice of hearing on a petition for an order subsequent to appointment of a guardian shall be given to the ward, the guardian, the parents of the ward, provided that the parental rights have not been terminated or a voluntary surrender has not been signed, and any other person as ordered by the court.</p> <p>(c) After notice and hearing on a petition for removal or for permission to resign, the court may terminate the guardianship and make any further order that may be appropriate, including appointment of a successor guardian.</p>	<p>Yes</p>
<p>Michigan</p>	<p>MCLS § 700.5207. Review of guardianship of minor. Sec. 5207.</p> <p>(1) The court may review a guardianship for a minor as it considers necessary and shall review a guardianship annually if the minor is under 6 years of age. In conducting the review, the court shall consider all of the following factors:</p> <ul style="list-style-type: none"> • (a) The parent's and guardian's compliance with either of the following, as applicable: <ul style="list-style-type: none"> ▪ (i) A limited guardianship placement plan. ▪ (ii) A court-structured plan under subsection (3)(b)(ii)(B) or section 5209(2)(b)(ii). • (b) Whether the guardian has adequately provided for the minor's welfare. • (c) The necessity of continuing the guardianship. • (d) The guardian's willingness and ability to continue to provide for the minor's welfare. • (e) The effect upon the minor's welfare if the guardianship is continued. • (f) Any other factor that the court considers relevant to the minor's welfare. • (2) The court may order the family independence agency or a court employee or agent to conduct an investigation and file a written report of the investigation regarding the factors listed in subsection (1). 	<p>Yes</p>

	<ul style="list-style-type: none"> • (3) Upon completion of a guardianship review, the court may do either of the following: <ul style="list-style-type: none"> ▪ (a) Continue the guardianship. ▪ (b) Schedule and conduct a hearing on the guardianship’s status and do any of the following: <ul style="list-style-type: none"> ○ (i) If the guardianship is a limited guardianship, do either of the following: <ul style="list-style-type: none"> • (A) Continue the limited guardianship. • (B) Order the parties to modify the limited guardianship placement plan as a condition to continuing the limited guardianship. ○ (ii) If the guardianship was established under section 5204, do either of the following: <ul style="list-style-type: none"> • (A) Continue the guardianship. • (B) Order the parties to follow a court-structured plan designed to resolve the conditions identified at the review hearing. ○ (iii) Take an action described in section 5209(2). 	
Minnesota	<p>Minn. Stat. § 524. 5-210 TERMINATION OF GUARDIANSHIP; OTHER PROCEEDINGS AFTER APPOINTMENT</p> <p>(a) A guardianship of a minor terminates upon the minor’s death, adoption, emancipation, attainment of majority, or as ordered by the court.</p> <p>(b) A ward or an interested person may petition for any order that is in the best interest of the ward. The petitioner shall give notice of the hearing on the petition to interested persons pursuant to section 524.5-113 and to any other person as ordered by the court, except notice is not required for the ward if the ward has not attained 14 years of age and is not the petitioner.</p>	Yes
Mississippi	<p>Miss. Code Ann. § 93-13-75</p> <p>§ 93-13-75. Termination of guardianship</p> <p>The powers and duties of every guardian of a minor over the person and estate of the ward shall cease and determine when the ward shall arrive at the age of twenty-one (21) years, or, in the discretion of the chancellor, may cease and determine when the ward shall arrive at the age of eighteen (18) years. And the powers and duties of every guardian of the estate of a minor, person of unsound mind, or convict of felony, may also cease and determine on the approval of the chancery court or of the chancellor in vacation, when the funds and personal property, either or both, of the ward do not exceed the sum or value of Two Thousand Dollars (\$ 2,000.00) and there is no prospect of further receipts to come into the hands of the guardian; provided that the court or chancellor, on the approval of the final account of such guardian, shall have power to require the property of such minor or adult incompetent, to be delivered to him or to some person, or bank for him, under such conditions and restrictions as the court or chancellor may impose; and compliance by the guardian with such order shall acquit him and his sureties. Any person or bank who under such an order or decree shall receive the money or property of a person under such disability shall thereby become amenable to the court for the proper disposition of it for the use and benefit of such incompetent; but shall not be required to give security therefor unless the court or chancellor shall so order. In either event the guardian shall forthwith deliver to the ward, or to such person or bank as the court or chancellor may designate, as the case may be, all the property of every description of the ward in his hands, and on failure, shall be liable to an action on his bond.</p>	Yes
Missouri	<p>§ 475.083. Termination of guardianship or conservatorship, when</p> <p>(1) The authority of a guardian or conservator terminates:</p> <ul style="list-style-type: none"> • When a minor ward becomes eighteen years of age; • Upon an adjudication that an incapacitated or disabled person has been restored to his capacity or ability; • Upon revocation of the letters of the guardian or conservator; • Upon the acceptance by the court of the resignation of the guardian or conservator; • Upon the death of the ward or protectee except that if there is no person other than the estate of the ward or protectee liable for the funeral and burial expenses of the ward or protectee the guardian or conservator may, with the approval of the court, contract for the funeral and burial of the deceased ward or protectee; • Upon the expiration of an order appointing a guardian or conservator ad litem unless the court orders extension of the appointment; • Upon an order of court terminating the guardianship or conservatorship. <p>(2) A guardianship or conservatorship may be terminated by court order after such notice as the court may require:</p> <ul style="list-style-type: none"> • If the conservatorship estate is exhausted; 	Yes

	<ul style="list-style-type: none"> • If the conservatorship is no longer necessary for any other reason; • If the court finds that a parent is fit, suitable and able to assume the duties of guardianship and it is in the best interest of the minor that the guardianship be terminated 	
Montana	<p>72-5-224 Temporary guardian of minor. If necessary, the court may appoint a temporary guardian with the status of an ordinary guardian of a minor, but the authority of a temporary guardian shall not last longer than 6 months.</p> <p>NOTE:</p> <p>72-5-233 Termination of appointment — how effected — certain liabilities and obligations not affected.</p> <p>(1) A guardian’s authority and responsibility terminates upon the death, resignation, or removal of the guardian or upon the minor’s death, except as provided in subsection (2), adoption, marriage, or attainment of majority, but termination does not affect a guardian’s liability for prior acts or a guardian’s obligation to account for funds and assets of the guardian’s ward. Resignation of a guardian does not terminate the guardianship until it has been approved by the court. A testamentary appointment under an informally probated will terminates if the will is later denied probate in a formal proceeding.</p> <p>(2) The guardian’s authority and responsibility for a minor who dies while the minor is a ward of the guardian terminates when the guardian has completed arrangements for the final disposition of the ward’s physical remains and personal effects as provided in 72-5-231(5).</p>	No
Nebraska	<p>§ 43-1312.01. Placement of child; order granting guardianship; court retain jurisdiction over child; termination of guardianship; when; effect of guardianship.</p> <p>(5) Guardianships established under this section shall terminate on the child’s nineteenth birthday unless the child is eligible for continued guardianship assistance payments under section 43-4511 and an agreement is signed by the Department of Health and Human Services, the guardian, and the young adult, as defined in section 43-4503, to continue the guardianship assistance. The guardian shall ensure that any guardianship assistance funds provided by the department and received by the guardian for the purpose of an extended guardianship shall be used for the benefit of the young adult. The department shall adopt and promulgate rules and regulations defining services and supports encompassed by such benefit.</p> <p>(6) Upon the child’s nineteenth birthday regardless of the existence of an agreement to extend the guardianship until the child’s twenty-first birthday, the guardian shall no longer have the legal authority to make decisions on behalf of the child and shall have no more authority over the person or property of the child than a biological or adoptive parent would have over his or her child, absent consent from the child.</p>	Yes
Nevada	<p>Effective: October 1, 2017 N.R.S. 159.191 159.191. Termination of guardianship of person, estate or person and estate; procedure upon death of ward</p> <p>1. Except as otherwise provided in subsection 2, a guardianship of the person is terminated:</p> <ol style="list-style-type: none"> (a) By the death of the ward; (b) Upon the ward's change of domicile to a place outside this state and the transfer of jurisdiction to the court having jurisdiction in the new domicile; or (c) Upon order of the court, if the court determines that the guardianship no longer is necessary. <p>2. If a court appoints or extends the appointment of a guardian of the person pursuant to section 2 of this act, the guardianship is terminated on the date on which the ward reaches 21 years of age, unless the ward petitions the court to terminate the guardianship before he or she reaches 21 years of age pursuant to NRS 159.1905 and the court grants the petition.</p> <p>3. A guardianship of the estate is terminated:</p> <ol style="list-style-type: none"> (a) If the court removes the guardian or accepts the resignation of the guardian and does not appoint a successor guardian; (b) If the court determines that the guardianship is not necessary and orders the guardianship terminated; or (c) By the death of the ward, subject to the provisions of NRS 159.193. 	Yes

	<p>4. If the guardianship is of the person and estate, the court may order the guardianship terminated as to the person, the estate, or the person and estate.</p> <p>5. The guardian shall notify the court, all interested parties, the trustee, and the named executor or appointed personal representative of the estate of the ward of the death of the ward within 30 days after the death.</p> <p>6. Immediately upon the death of the ward:</p> <p>(a) The guardian of the estate shall have no authority to act for the ward except to wind up the affairs of the guardianship pursuant to NRS 159.193, and to distribute the property of the ward as provided in NRS 159.195 and 159.197; and</p> <p>(b) No person has standing to file a petition pursuant to NRS 159.078.</p> <p>N.R.S. 159.192 159.192. Termination of temporary guardianship</p> <p>1. If a temporary guardianship is terminated and a petition for a general or special guardianship has not been filed:</p> <p>(a) The temporary guardian shall immediately turn over all of the ward's property to the ward; or</p> <p>(b) If the temporary guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate, the temporary guardian shall seek approval from the court to maintain possession of all or a portion of the ward's property.</p> <p>2. If a temporary guardianship is terminated and a petition for general or special guardianship has been filed, the temporary guardian of the estate may:</p> <p>(a) Continue possessing the ward's property; and</p> <p>(b) Perform the duties of guardian for not more than 90 days after the temporary guardianship is terminated or until the court appoints another temporary, general or special guardian.</p> <p>3. If the death of a ward causes the termination of a temporary guardianship before the hearing on a general or special guardianship:</p> <p>(a) The temporary guardian of the estate may:</p> <p>(1) Continue possessing the ward's property; and</p> <p>(2) Except as otherwise provided in this paragraph, perform the duties of guardian for not more than 90 days after the date of the termination of the temporary guardianship or until the court appoints a personal representative of the estate, if any. If the temporary guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate and it will take longer than 90 days after the date of the termination of the temporary guardianship to receive such certification, the temporary guardian must seek approval from the court to maintain possession of all or a portion of the ward's property until certification is received.</p> <p>(b) If no personal representative has been appointed pursuant to chapter 138 or 139 of NRS, the temporary guardian shall pay all of the final expenses and outstanding debts of the ward to the extent possible using the assets in the possession of the temporary guardian.</p>	
New Hampshire	<p>463:15. Termination of Guardianship.</p> <p>(1) A guardianship of the person or of the estate of a minor shall terminate upon order of the court, the death of the minor, the minor's eighteenth birthday, a finding by the court that the minor has been emancipated under relevant state law, or upon the issuance of a final decree of adoption. The guardian shall provide written notice to the court of termination resulting from the death of the minor, or the minor's eighteenth birthday, within 30 days of the event giving rise to termination. Failure to provide timely notice does not imply consent to the extension of jurisdiction pursuant to paragraph (2)</p>	Yes
New Jersey	<p>The burden of proof is upon the one bringing the petition (if it is the parent) to terminate the guardianship to demonstrate by clear and convincing evidence</p> <p>(1) a change in his/her life that would support a finding that she has regained the ability to care for her child, and</p> <p>(2) that termination of the kinship legal guardianship is in the best interests of the child.</p>	Yes
New Mexico	<p>§ 11:14. Termination of guardianship</p> <p>References</p> <p>Guardianship of a minor who is not otherwise incapacitated ordinarily terminates upon the child's adoption, death, or majority.¹ In addition, the child's marriage typically terminates guardianship of the person.² When the circumstances underlying the guardianship end, the guardianship may also end. Therefore, for example, when an incapacitated parent regains capacity, he or she may petition to terminate the guardianship and is entitled to a constitutional presumption the parent should have custody.</p>	Yes
New York	McKinney's SCPA § 1707	Yes

	(2) The term of office of a guardian of the person or property so appointed expires when the infant attains majority, unless the infant consents to the continuation of or appointment of a guardian after his or her eighteenth birthday, in which case such term of office expires on his or her twenty-first birthday, or after such other shorter period as the court establishes upon good cause shown; except that the term of office of a guardian of the person of an infant expires upon the infant's marriage prior to attaining majority. The appointment of a guardian of a child shall expire when the infant or child reaches the age of eighteen years, unless the infant or child consents to the continuation of a guardian after his or her eighteenth birthday, in which case such term of office expires on his or her twenty-first birthday, or unless vacated by the court prior to the infant or child's eighteenth or twenty-first birthday if the court finds that, based upon clear and convincing evidence, the guardian failed to or is unable, unavailable or unwilling to provide proper care and custody of the infant or child, or that the guardianship is no longer in the best interests of the infant or child.	
North Carolina	N.C.G.S.A. § 35A-1295 - Termination of guardianship (a) Every guardianship shall be terminated and all powers and duties of the guardian provided in Article 9 of this Chapter shall cease when the ward: (1) Ceases to be a minor as defined in G.S. 35A-1202(12), (2) Is adjudicated to be restored to competency pursuant to the provisions of G.S. 35A-1130 , or (3) Dies. (b) Notwithstanding subsection (a), a guardian of the estate or a general guardian is responsible for all accountings required by Article 10 of this Chapter until the guardian is discharged by the clerk.	Yes
North Dakota	NDCC, § 30.1-27-10. (5-210) Termination of appointment of guardian--General A guardian's authority and responsibility terminates upon the death, resignation, or removal of the guardian, or upon the minor's death, adoption, marriage, or attainment of majority , but termination does not affect the guardian's liability for prior acts, nor the guardian's obligation to account for funds and assets of the ward. Resignation of a guardian does not terminate the guardianship until it has been approved by the court. A testamentary appointment under an informally probated will terminates if the will is later denied probate in a formal proceeding. NOTE: NDCC, 30.1-27-12 - Resignation or removal proceedings (1) Any person interested in the welfare of a ward, or the ward, if fourteen or more years of age, may petition for removal of a guardian on the ground that removal would be in the best interests of the ward. A guardian may petition for permission to resign. A petition for removal or for permission to resign may, but need not, include a request for appointment of a successor guardian. (2) After notice and hearing on a petition for removal or for permission to resign, the court may terminate the guardianship and make any further order that may be appropriate. (3) If, at any time in the proceeding, the court determines that the interests of the ward are, or may be, inadequately represented, it may appoint an attorney to represent the minor, giving consideration to the preference of the minor if the minor is fourteen or more years of age.	Yes
Ohio	Lake County Common Pleas Probate Rule 66.14 Rule 66.14 Terminations Except for the termination of a guardianship of a minor attaining the age of majority or upon death of the ward, a termination of guardianship shall require notice to all persons designated in R.C. 2111.04, and to any other individual who received actual notice of the original appointment of the guardian. It is the responsibility of the applicant for termination to perfect service pursuant to Civ.R. 73 when termination is requested. A Certificate of Service with supporting documentation satisfactory to the Court must be filed prior to the consideration of the application.	Yes
Oklahoma	Suspension, Removal or <u>Termination</u> of Guardian 30 Okl.St. Ann. § 4-801 Removal of guardians A guardian may be removed by the district court for any of the following causes: <ul style="list-style-type: none"> • For abuse of his fiduciary responsibility. • For continued failure to perform his duties. • For incapacity to perform his duties. • For gross immorality. 	Yes

	<ul style="list-style-type: none"> • For having an interest adverse to the faithful performance of his duties. • If the instrument in which the person was nominated as guardian is judicially determined to be invalid. • In the case of guardian of the property, for insolvency. • When it is no longer proper that the ward should be under <p>NOTE:</p> <p>30 Okl.St. Ann. § 4-804</p> <p>§ 4-804. Termination of guardianship when unnecessary</p> <p>The guardian of an incapacitated or partially incapacitated person or minor may be discharged by the court when it appears to the court, on the application of the ward or otherwise, that the guardianship is no longer necessary.</p>	
Oregon	<p>HANDBOOK FOR CLE Seminars- Guardianships and Conservatorships (Sponsored by the Elder Law Section): Chapter 1(E) —Guardianship for Adults and Alternatives E. Termination of the Guardian’s Authority. (Termination of the Guardian’s authority)</p> <p>The authority of the guardian ends upon the death, resignation or removal of the fiduciary. Upon termination of the guardian’s authority, if the need for a guardian still exists, a petition to appoint a successor guardian must be filed and served in the same manner as the original petition. Under ORS 125.090(2), the court has authority to terminate the guardianship if the protected person has died, if the need for a guardianship no longer exists due to restoration of capacity, or the best interest of the protected person would be served by the termination of the guardianship</p>	Yes
Pennsylvania	<p>Title 23 - DOMESTIC RELATIONS - Chapter 56 - Standby Guardianship - Section 5602 - Definitions</p> <p>"Standby guardian." Is defined here as “a person named by a designator to assume the duties of coguardian or guardian of a minor and whose authority becomes effective upon the incapacity, debilitation and consent, or death of the minor's parent.”</p> <p>23 PA Cons Stat § 5602 (2016)</p> <p>Section 5614 - Revocation</p> <p>§ 5614. Revocation.</p> <p>(a) Prepetition.--Prior to a petition being filed under section 5612 (relating to petition for approval of a designation), the designator may revoke a standby guardianship by simple destruction of the designation and notification of the revocation to the standby guardian.</p> <p>(b) Postpetition.--After a petition has been filed, the designator may revoke a standby guardianship by:</p> <ol style="list-style-type: none"> (1) executing a written revocation; (2) filing the revocation with the court; and (3) notifying the persons named in the designation of the revocation in writing. <p>(c) Unwritten revocation.--Regardless of whether a petition has been filed, an unwritten revocation may be considered by the court if it can be proven by clear and convincing evidence.</p> <p>23 PA Cons Stat § 5614 (2016)</p> <p>Section 5614 - Revocation</p> <p>§ 5614. Revocation.</p> <p>(a) Prepetition.--Prior to a petition being filed under section 5612 (relating to petition for approval of a designation), the designator may revoke a standby guardianship by simple destruction of the designation and notification of the revocation to the standby guardian.</p> <p>(b) Postpetition.--After a petition has been filed, the designator may revoke a standby guardianship by:</p> <ol style="list-style-type: none"> (1) executing a written revocation; (2) filing the revocation with the court; and (3) notifying the persons named in the designation of the revocation in writing. <p>(b) Unwritten revocation.--Regardless of whether a petition has been filed, an unwritten revocation may be considered by the court if it can be proven by clear and convincing evidence.</p>	Yes

	23 PA Cons Stat § 5614 (2016)	
Rhode Island	<p>Gen.Laws 1956, § 33-15-18 - Removal of limited guardian or guardian or conservator-- Resignation</p> <p>(a) Removal may be requested by the ward or anyone acting on behalf of the ward, including the limited guardian, guardian or conservator. The ward may retain counsel for this purpose.</p> <ul style="list-style-type: none"> • The court shall remove any limited guardians, guardian or conservator appointed or approved by it upon finding that the limited guardian, guardian or conservator has not fulfilled, or is no longer able to fulfill, the duties of the appointment as set forth by the order itself and/or the limited guardianship and guardianship law. • The court shall remove any limited guardian or guardian or conservator upon finding that the ward, based on a decision making assessment tool, has the capacity to make decisions regarding his or her health care, finances, residence, and/or relationships. <p>(b) A limited guardian or guardian or conservator may resign. The court shall accept the resignation of any limited guardian or guardian or conservator after he or she has accounted with the court for the estate of his or her ward in his or her possession and filed a report regarding the status of the ward including the ward's current residence and condition.</p>	Yes
South Carolina	No Case Law specifying duration of or termination of guardianship found currently	–
South Dakota	<p>SDCL § 29A-5-501 Termination of guardian's or conservator's appointment</p> <p>A guardian's or conservator's appointment terminates upon the death, resignation or removal of the guardian or conservator or upon the termination of the guardianship or conservatorship. A termination of an appointment does not affect the liability of a guardian or conservator for prior acts or the responsibility of a conservator to account for the minor's or protected person's estate.</p> <p>DCL § 29A-5-505</p> <p>29A-5-505. Termination of guardianship or conservatorship upon minor's death or majority-- Adoption or emancipation of minor</p> <p>A guardianship or conservatorship of a minor shall terminate upon the minor's death or attainment of majority, if jurisdiction is transferred to another state, or if ordered by the court following a hearing thereon. A guardianship, but not a conservatorship, shall also terminate upon the minor's adoption or emancipation, and the court may elect to continue a guardianship until the minor's attainment of age twenty-one if the guardian was appointed pursuant to the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C.</p>	Yes
Tennessee	<p>34-2-106. Minor attaining eighteen (18) years of age -- Termination or continuation of guardianship.</p> <p>(a) Except as provided in subsection (c), when the minor for whom a guardian of the person is serving reaches the age of eighteen (18) years of age, the guardianship of the person of the minor shall terminate.</p> <p>(c) If a minor for whom a guardian of the person or estate is serving has previously been determined to be a disabled person, when the minor reaches eighteen (18) years of age, the guardian shall automatically continue as conservator. If the guardian is the department of children's services, this subsection (c) shall not apply.</p>	Yes
Texas	<p>ESTATES CODE TITLE 3 - GUARDIANSHIP AND RELATED PROCEDURES</p> <p>CHAPTER 1202 - MODIFICATION OR TERMINATION OF GUARDIANSHIP Sec. 1202.001. TERM OF GUARDIAN OR GUARDIANSHIP.</p> <p>(a) Unless otherwise discharged as provided by law, a guardian remains in office until the estate is closed.</p> <p>(b) A guardianship shall be settled and closed when the ward:</p> <ol style="list-style-type: none"> (1) dies and, if the ward was married, the ward's spouse qualifies as survivor in community; (2) is found by the court to have full capacity to care for himself or herself and to manage the ward's property; (3) is no longer a minor; or (4) no longer must have a guardian appointed to receive funds due the ward from any governmental source. <p>(c) An order appointing a guardian or a successor guardian may specify a period of not more than one year during which a petition for adjudication that the ward no longer requires the guardianship may not be filed without special leave.</p>	Yes

	<p>(d) A request for an order under this section may be made by informal letter to the court. A person who knowingly interferes with the transmission of the request to the court may be adjudged guilty of contempt of court.</p> <p>(e) If a nonresident guardian of a nonresident ward qualifies as guardian under this title, any resident guardian's guardianship may be terminated.</p>	
Utah	<p>U.C.A. 1953 § 75-5-210</p> <p>§ 75-5-210. Termination of appointment of guardian--General</p> <p>A guardian's authority and responsibility terminates upon the death, resignation, or removal of the guardian or upon the minor's death, adoption, marriage, or attainment of majority, but termination does not affect his liability for prior acts nor his obligation to account for funds and assets of his ward. Resignation of a guardian does not terminate the guardianship until it has been approved by the court. A testamentary appointment under an informally probated will terminates if the will is later denied probate in a formal proceeding.</p>	Yes
Vermont	<p>14 V.S.A. § 3077</p> <p>§ 3077. Termination and modification of guardianship</p> <p>(1) A person under guardianship or any person interested in the welfare of the person under guardianship may file a motion for termination or modification of the guardianship. Grounds for the termination or modification of the guardianship shall include:</p> <ul style="list-style-type: none"> • the death of the guardian; • the failure of the guardian to file an annual report, or the failure to file such report in a timely manner; • the failure of the guardian to act in accord with an order of the court; • a change in the ability of the person under guardianship to manage his or her personal care or financial affairs; • a change in the capacity or suitability of the guardian for carrying out his or her powers and duties, including but not limited to any current or past expressed preferences of the person under guardianship to have an alternative person appointed as guardian. 	Yes
Virgin Islands	<p>15 V.I.C. § 5-318</p> <p>§ 5-318 Termination or modification of guardianship</p> <p>(1) A guardianship terminates upon the death of the ward or upon order of the Court.</p> <p>(2) On petition of a ward, a guardian, or another person interested in the ward's welfare, the Court may terminate a guardianship if the ward no longer needs the assistance or protection of a guardian. The Court may modify the type of appointment or powers granted to the guardian if the extent of protection or assistance previously granted is currently excessive or insufficient or the ward's capacity to provide for support, care, education, health, and welfare has so changed as to warrant that action.</p> <p>(3) Except as otherwise ordered by the Court for good cause, the Court, before terminating a guardianship, shall follow the same procedures to safeguard the rights of the ward as apply to a petition for guardianship. Upon presentation by the petitioner of evidence establishing a prima facie case for termination, the Court shall order the termination unless it is proven that continuation of the guardianship is in the best interest of the ward.</p> <p>15 V.I.C. § 5-112</p> <p>§ 5-112 Termination of, or change in guardian's or conservator's appointment</p> <p>(1) The appointment of a guardian or conservator terminates upon the death, resignation, or removal of the guardian or conservator or upon termination of the guardianship or conservatorship. A resignation of a guardian or conservator is effective when approved by the Court.</p> <p>A parental or spousal appointment as guardian under an informally probated will terminates if the will is later denied probate in a formal proceeding. Termination of the appointment of a guardian or conservator does not affect the liability of either for previous acts or the obligation to account for money and other assets of the ward or protected person.</p> <p>(2) A ward, protected person, or person interested in the welfare of a ward or protected person may petition for removal of a guardian or conservator on the ground that removal would be in the best interest of the ward or protected person or for other good cause. A guardian or conservator may petition for permission to resign. A petition for removal or permission to resign may include a request for appointment of a successor guardian or conservator.</p> <p>(3) The Court may appoint an additional guardian or conservator at any time, to serve immediately or upon some other designated event, and may appoint a successor guardian or conservator in the event of a vacancy or make the appointment in contemplation of a vacancy, to serve if a vacancy occurs. An additional or successor guardian or conservator may file an acceptance of appointment at any time after the appointment, but not later than 30 days after the occurrence of the vacancy or other designated</p>	Yes

	<p>event. The additional or successor guardian or conservator becomes eligible to act on the occurrence of the vacancy or designated event, or the filing of the acceptance of appointment, whichever last occurs. A successor guardian or conservator succeeds to the predecessor's powers, and a successor conservator succeeds to the predecessor's title to the protected person's assets.</p>	
Virginia	<p>VA Code Ann§ 64.2-1803. Termination of guardianship Unless the guardian of a minor's estate dies, is removed, or resigns the guardianship, the guardian shall continue in office until the minor attains the age of majority or, in the case of testamentary guardianship, until the termination of the period set forth in the testator's will. At the expiration of the guardianship, the guardian shall deliver and pay all the estate and money in his possession, or with which he is chargeable, to the person entitled to receive such estate and money.</p>	Yes
Washington	<p>West's RCWA 13.36.070 13.36.070. Guardianship termination--Petition, affidavit (1) Any party to a guardianship proceeding may request termination of the guardianship by filing a petition and supporting affidavit alleging a substantial change has occurred in the circumstances of the child or the guardian and that the termination is necessary to serve the best interests of the child. The petition and affidavit must be served on the department or supervising agency and all parties to the guardianship. (2) Except as provided in subsection (3) of this section, the court shall not terminate a guardianship unless it finds, upon the basis of facts that have arisen since the guardianship was established or that were unknown to the court at the time the guardianship was established, that a substantial change has occurred in the circumstances of the child or the guardian and that termination of the guardianship is necessary to serve the best interests of the child. The effect of a guardian's duties while serving in the military potentially impacting guardianship functions shall not, by itself, be a substantial change of circumstances justifying termination of a guardianship. (3) The court may terminate a guardianship on the agreement of the guardian, the child, if the child is age twelve years or older, and a parent seeking to regain custody of the child if the court finds by a preponderance of the evidence and on the basis of facts that have arisen since the guardianship was established that: (a) The parent has successfully corrected the parenting deficiencies identified by the court in the dependency action, and the circumstances of the parent have changed to such a degree that returning the child to the custody of the parent no longer creates a risk of harm to the child's health, welfare, and safety; (b) The child, if age twelve years or older, agrees to termination of the guardianship and the return of custody to the parent; and (c) Termination of the guardianship and return of custody of the child to the parent is in the child's best interests. (4) Upon the entry of an order terminating a guardianship, the court shall enter an order: (a) Granting the child's parent with legal and physical custody of the child; (b) Granting a substitute guardian with legal and physical custody of the child; or (c) Directing the child to be temporarily placed in the custody of the department for placement with a relative or other suitable person as defined in RCW 13.34.130(1)(b), if available, or in an appropriate licensed out-of-home placement, and directing that the department file a dependency petition on behalf of the child.</p>	Yes
West Virginia	<p>W. Va. Code, § 44-10-3 § 44-10-3. Appointment and termination of guardian for a minor The court, the guardian or the minor may revoke or terminate the guardianship appointment when:</p> <ul style="list-style-type: none"> • The minor reaches the age of eighteen and executes a release stating that the guardian's estate was properly administered and that the minor has received the assets of the estate from the guardian; • The guardian or the minor dies; • The guardian petitions the court to resign and the court enters an order approving the resignation; or • A petition is filed by the guardian, the minor, a parent or an interested person or upon the motion of the court stating that the minor is no longer in need of the assistance or protection of a guardian due to changed circumstances and the termination of the guardianship would be in the minor's best interest. <p>For a petition to revoke or terminate a guardianship filed by a parent, the burden of proof is on the moving party to show by a preponderance of the evidence that there has been a material change of circumstances and that a revocation or termination is in the child's best interest.</p>	Yes

<p>Wisconsin</p>	<p>Wis. Stat. § 54.64. Review of incompetency and termination of guardianship.</p> <p>(1) Duration. Any guardianship of an individual found to be incompetent under this chapter shall continue during the life of the ward, until terminated by the court, or as provided under sub. (3) or (4).</p> <p>(3) Termination of guardianship of the person. A guardianship of the person shall terminate if any of the following occurs:</p> <ul style="list-style-type: none"> (a) The court adjudicates a ward who was formerly found to be incompetent to be no longer incompetent or terminates the guardianship under sub. (2) (d). (b) The ward changes residence from this state to another state and a guardian is appointed in the new state of residence. (c) A formerly minor ward attains age 18, unless the guardianship was ordered on the grounds of incompetency. (d) A minor ward whose guardianship was not ordered on the grounds of incompetency marries. (e) The ward dies. <p>(4) Termination of guardianship of the estate. A guardianship of the estate shall terminate if any of the following occurs:</p> <ul style="list-style-type: none"> (a) The court adjudicates a ward who was formerly found to be incompetent to be no longer incompetent or a ward who was formerly found to be a spendthrift to be capable of handling his or her income and assets. (b) The ward changes residence from this state to another state and a guardian is appointed in the new state of residence. (c) A formerly minor ward attains age 18. (d) A minor ward whose guardianship was not ordered on the grounds of incompetency marries and the court approves the termination. (e) A ward dies, except when the estate can be settled as provided by s. 54.66 (4). 	<p>Yes</p>
<p>Wyoming</p>	<p>W.S.1977 § 3-3-1101</p> <p>§ 3-3-1101. Cause for termination</p> <ul style="list-style-type: none"> (a) A guardianship shall cease, and a conservatorship shall terminate, upon the occurrence of any of the following circumstances: <ul style="list-style-type: none"> (i) If upon attaining the age of majority when the ward is a minor who has not been adjudged an incompetent person or a mentally incompetent person; (ii) The death of the ward, subject to W.S. 3-2-109(a)(iii) and 3-2-201(a)(x); (iii) A determination by the court that the ward is competent and capable of managing his property and affairs, and that the continuance of the guardianship or conservatorship is not in his best interest; (iv) A determination by the court that the guardian or conservator is not acting in the best interest of the ward. <p>In such case, the court shall appoint another guardian or conservator;</p> (v) Upon determination by the court that the conservatorship or guardianship is no longer necessary for any other reason. 	<p>Yes</p>

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