**§5-430. Removal of conservator; appointment of successor**

**1. Removal by court.**  The court may remove a conservator for failure to perform the conservator's duties or other good cause and appoint a successor conservator to assume the duties of the conservator.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

**2. Hearing upon petition, communication or determination.**  The court shall conduct a hearing to determine whether to remove a conservator and appoint a successor on:

A. Petition of the individual subject to conservatorship, conservator or person interested in the welfare of the individual that contains allegations that, if true, would support a reasonable belief that removal of the conservator and appointment of a successor may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed within the preceding 6 months; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. Communication from the individual subject to conservatorship, conservator or person interested in the welfare of the individual that supports a reasonable belief that removal of the conservator and appointment of a successor may be appropriate; or [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

C. Determination by the court that a hearing would be in the best interest of the individual subject to conservatorship. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

**3. Notice of petition.**  Notice of a petition under subsection 2, paragraph A must be given to the individual subject to conservatorship, the conservator and such other persons as the court determines.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

**4. Attorney for individual subject to conservatorship.**  If an individual subject to conservatorship who seeks to remove the conservator and have a successor appointed is not represented by an attorney, the court shall appoint an attorney under the same conditions as in section 5‑406. The court shall award reasonable attorney's fees to the attorney for the individual as provided in section 5‑119.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

**5. Selection of successor conservator.**  In selecting a successor conservator, the court shall follow the procedures under section 5‑410.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

**6. Notice of appointment of successor conservator.**  Not later than 30 days after appointing a successor conservator, the court shall give notice of the appointment to the individual subject to conservatorship and all persons entitled to the notice under section 5‑411, subsection 5 or a subsequent order.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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