**R549. Health and Human Services, Public Guardian (Office of).**

**R549-1. Eligibility and Services Priority.**

**R549-1-1. Authority and Purpose.**

(1) Section 26B-6-304 authorizes this rule.

(2) This rule provides procedures and standards for the determination of eligibility and establishes services as required by Title 26B, Chapter 6, Part 3, Office of Public Guardian.

**R549-1-2. Definitions.**

Terms used in this rule are defined in Section 26B-6-301.

**R549-1-3. Eligibility.**

An individual may be eligible for the services provided by the office if the individual:

(1)(a) has been found legally incapacitated and in need of guardianship or conservatorship; or

(b) is likely to be found legally incapacitated and in need of guardianship or conservatorship; and

(2) has no other responsible, willing, and able person to serve as their individual's guardian or conservator.

**R549-1-4. Priority.**

(1) The office shall give priority to an incapacitated individual whose need for guardianship or conservatorship is more critical than another incapacitated individual.

(2) The office shall determine the priority and criticality of need for each individual by prioritizing the needs of that individual in the following order:

(a) an individual who is in a life-threatening situation, where immediate guardianship or conservatorship assistance or intervention is necessary for the preservation of life or the prevention of serious harm or injury;

(b) an individual who is experiencing abuse, neglect or self-neglect, or financial exploitation; and

(c) an individual who is at significant risk of experiencing abuse, neglect or self-neglect, or financial exploitation.

**KEY: eligibility and priority, incapacitated, guardianship**

**Date of Last Change: May 22, 2025**

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**Authorizing, and Implemented or Interpreted Law: Title 26B, Chapter 6, Part 3**