

REFERENCE TITLE: adult guardianship and protective proceedings

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2426

Introduced by
Representative Driggs, Senators Leff: Waring

AN ACT

AMENDING TITLE 14, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 12; RELATING TO THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 14, Arizona Revised Statutes, is amended by adding
3 chapter 12, to read:

4 CHAPTER 12
5 UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE
6 PROCEEDINGS JURISDICTION ACT
7 ARTICLE 1. GENERAL PROVISIONS

8 14-12101. Short title

9 THIS CHAPTER MAY BE CITED AS THE UNIFORM ADULT GUARDIANSHIP AND
10 PROTECTIVE PROCEEDINGS JURISDICTION ACT.

11 14-12102. Definitions

12 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

13 1. "ADULT" MEANS AN INDIVIDUAL WHO IS AT LEAST EIGHTEEN YEARS OF AGE.

14 2. "CONSERVATOR" MEANS A PERSON APPOINTED BY THE COURT TO MANAGE THE
15 ESTATE OF AN ADULT PROTECTED PERSON, INCLUDING A PERSON APPOINTED UNDER
16 CHAPTER 5 OF THIS TITLE.

17 3. "COURT OF THIS STATE" OR "COURT IN THIS STATE" MEANS THE SUPERIOR
18 COURT.

19 4. "GUARDIAN" MEANS A PERSON WHO HAS QUALIFIED AS A GUARDIAN OF AN
20 INCAPACITATED PERSON PURSUANT TO TESTAMENTARY OR COURT APPOINTMENT AND
21 INCLUDES A PERSON WHO IS APPOINTED UNDER CHAPTER 5, ARTICLE 3 OF THIS TITLE.
22 GUARDIAN DOES NOT INCLUDE A GUARDIAN AD LITEM OR A REPRESENTATIVE WHO IS
23 APPOINTED PURSUANT TO SECTION 14-1408.

24 5. "GUARDIANSHIP ORDER" MEANS AN ORDER APPOINTING A GUARDIAN.

25 6. "GUARDIANSHIP PROCEEDING" MEANS A JUDICIAL PROCEEDING IN WHICH AN
26 ORDER FOR THE APPOINTMENT OF A GUARDIAN IS SOUGHT OR HAS BEEN ISSUED.

27 7. "INCAPACITATED PERSON" MEANS AN ADULT FOR WHOM A GUARDIAN HAS BEEN
28 APPOINTED.

29 8. "PERSON", EXCEPT IN THE TERM INCAPACITATED PERSON OR PROTECTED
30 PERSON, MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST, ESTATE, TRUST,
31 PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT VENTURE, PUBLIC
32 CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY OR
33 INSTRUMENTALITY OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

34 9. "PROTECTED PERSON" MEANS AN ADULT FOR WHOM A PROTECTIVE ORDER HAS
35 BEEN ISSUED.

36 10. "PROTECTIVE ORDER" MEANS AN ORDER APPOINTING A CONSERVATOR OR OTHER
37 ORDER RELATED TO MANAGEMENT OF AN ADULT'S PROPERTY.

38 11. "PROTECTIVE PROCEEDING" MEANS A JUDICIAL PROCEEDING IN WHICH A
39 PROTECTIVE ORDER IS SOUGHT OR HAS BEEN ISSUED.

40 12. "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM
41 OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN
42 PERCEIVABLE FORM.

43 13. "RESPONDENT" MEANS AN ADULT FOR WHOM A PROTECTIVE ORDER OR THE
44 APPOINTMENT OF A GUARDIAN IS SOUGHT.

1 14. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
2 COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, A FEDERALLY
3 RECOGNIZED INDIAN TRIBE OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE
4 JURISDICTION OF THE UNITED STATES.

5 14-12103. International applications of act

6 A COURT OF THIS STATE MAY TREAT A FOREIGN COUNTRY AS IF IT WERE A STATE
7 FOR THE PURPOSE OF APPLYING THIS ARTICLE AND ARTICLES 2, 3 AND 5 OF THIS
8 CHAPTER.

9 14-12104. Communication between courts

10 A. A COURT OF THIS STATE MAY COMMUNICATE WITH A COURT IN ANOTHER STATE
11 CONCERNING A PROCEEDING ARISING UNDER THIS CHAPTER. THE COURT MAY ALLOW THE
12 PARTIES TO PARTICIPATE IN THE COMMUNICATION. EXCEPT AS PROVIDED IN
13 SUBSECTION B, THE COURT SHALL MAKE A RECORD OF THE COMMUNICATION. THE RECORD
14 MAY BE LIMITED TO THE FACT THAT THE COMMUNICATION OCCURRED.

15 B. COURTS MAY COMMUNICATE CONCERNING SCHEDULES, CALENDARS, COURT
16 RECORDS AND OTHER ADMINISTRATIVE MATTERS WITHOUT MAKING A RECORD.

17 14-12105. Cooperation between courts

18 A. IN A GUARDIANSHIP OR PROTECTIVE PROCEEDING IN THIS STATE, A COURT
19 OF THIS STATE MAY REQUEST THE APPROPRIATE COURT OF ANOTHER STATE TO DO ANY OF
20 THE FOLLOWING:

- 21 1. HOLD AN EVIDENTIARY HEARING.
- 22 2. ORDER A PERSON IN THAT STATE TO PRODUCE EVIDENCE OR GIVE TESTIMONY
23 PURSUANT TO PROCEDURES OF THAT STATE.
- 24 3. ORDER THAT AN EVALUATION OR ASSESSMENT BE MADE OF THE RESPONDENT.
- 25 4. ORDER ANY APPROPRIATE INVESTIGATION OF A PERSON INVOLVED IN A
26 PROCEEDING.
- 27 5. FORWARD TO THE COURT OF THIS STATE A CERTIFIED COPY OF THE
28 TRANSCRIPT OR OTHER RECORD OF A HEARING UNDER PARAGRAPH 1 OR ANY OTHER
29 PROCEEDING, ANY EVIDENCE OTHERWISE PRODUCED UNDER PARAGRAPH 2, AND ANY
30 EVALUATION OR ASSESSMENT PREPARED IN COMPLIANCE WITH AN ORDER UNDER PARAGRAPH
31 3 OR 4.
- 32 6. ISSUE ANY ORDER NECESSARY TO ENSURE THE APPEARANCE IN THE
33 PROCEEDING OF A PERSON WHOSE PRESENCE IS NECESSARY FOR THE COURT TO MAKE A
34 DETERMINATION, INCLUDING THE RESPONDENT OR THE INCAPACITATED OR PROTECTED
35 PERSON.
- 36 7. ISSUE AN ORDER AUTHORIZING THE RELEASE OF MEDICAL, FINANCIAL,
37 CRIMINAL OR OTHER RELEVANT INFORMATION IN THAT STATE, INCLUDING PROTECTED
38 HEALTH INFORMATION AS DEFINED IN 45 CODE OF FEDERAL REGULATIONS SECTION
39 164.504, AS AMENDED.

40 B. IF A COURT OF ANOTHER STATE IN WHICH A GUARDIANSHIP OR PROTECTIVE
41 PROCEEDING IS PENDING REQUESTS ASSISTANCE OF THE KIND PROVIDED IN SUBSECTION
42 A, A COURT OF THIS STATE HAS JURISDICTION FOR THE LIMITED PURPOSE OF GRANTING
43 THE REQUEST OR MAKING REASONABLE EFFORTS TO COMPLY WITH THE REQUEST.

1 4. THE EXTENT TO WHICH THE RESPONDENT HAS TIES TO THE STATE SUCH AS
2 VOTER REGISTRATION, STATE OR LOCAL TAX RETURN FILING, VEHICLE REGISTRATION,
3 DRIVER LICENSE, SOCIAL RELATIONSHIP AND RECEIPT OF SERVICES.

4 14-12202. Exclusive basis

5 THIS ARTICLE PROVIDES THE EXCLUSIVE JURISDICTIONAL BASIS FOR A COURT OF
6 THIS STATE TO APPOINT A GUARDIAN OR ISSUE A PROTECTIVE ORDER FOR AN ADULT.

7 14-12203. Jurisdiction

8 A COURT OF THIS STATE HAS JURISDICTION TO APPOINT A GUARDIAN OR ISSUE A
9 PROTECTIVE ORDER FOR A RESPONDENT IF ANY OF THE FOLLOWING IS TRUE:

10 1. THIS STATE IS THE RESPONDENT'S HOME STATE.

11 2. ON THE DATE THE PETITION IS FILED, THIS STATE IS A
12 SIGNIFICANT-CONNECTION STATE AND EITHER:

13 (a) THE RESPONDENT DOES NOT HAVE A HOME STATE OR A COURT OF THE
14 RESPONDENT'S HOME STATE HAS DECLINED TO EXERCISE JURISDICTION BECAUSE THIS
15 STATE IS A MORE APPROPRIATE FORUM.

16 (b) THE RESPONDENT HAS A HOME STATE, A PETITION FOR AN APPOINTMENT OR
17 ORDER IS NOT PENDING IN A COURT OF THAT STATE OR ANOTHER
18 SIGNIFICANT-CONNECTION STATE AND, BEFORE THE COURT MAKES THE APPOINTMENT OR
19 ISSUES THE ORDER:

20 (i) A PETITION FOR AN APPOINTMENT OR ORDER IS NOT FILED IN THE
21 RESPONDENT'S HOME STATE.

22 (ii) AN OBJECTION TO THE COURT'S JURISDICTION IS NOT FILED BY A PERSON
23 REQUIRED TO BE NOTIFIED OF THE PROCEEDING.

24 (iii) THE COURT IN THIS STATE CONCLUDES THAT IT IS AN APPROPRIATE
25 FORUM UNDER THE FACTORS SET FORTH IN SECTION 14-12206, SUBSECTION C.

26 3. THIS STATE DOES NOT HAVE JURISDICTION UNDER EITHER PARAGRAPH 1 OR 2
27 OF THIS SECTION, THE RESPONDENT'S HOME STATE AND ALL SIGNIFICANT-CONNECTION
28 STATES HAVE DECLINED TO EXERCISE JURISDICTION BECAUSE THIS STATE IS THE MORE
29 APPROPRIATE FORUM AND JURISDICTION IN THIS STATE IS CONSISTENT WITH THE
30 CONSTITUTIONS OF THIS STATE AND THE UNITED STATES.

31 4. THE REQUIREMENTS FOR SPECIAL JURISDICTION UNDER SECTION 14-12204
32 ARE MET.

33 14-12204. Special jurisdiction

34 A. A COURT OF THIS STATE LACKING JURISDICTION UNDER SECTION 14-12203
35 HAS SPECIAL JURISDICTION TO DO ANY OF THE FOLLOWING:

36 1. APPOINT A GUARDIAN IN AN EMERGENCY FOR A TERM NOT EXCEEDING NINETY
37 DAYS FOR A RESPONDENT WHO IS PHYSICALLY PRESENT IN THIS STATE.

38 2. ISSUE A PROTECTIVE ORDER WITH RESPECT TO REAL OR TANGIBLE PERSONAL
39 PROPERTY LOCATED IN THIS STATE.

40 3. APPOINT A GUARDIAN OR CONSERVATOR FOR AN INCAPACITATED OR PROTECTED
41 PERSON FOR WHOM A PROVISIONAL ORDER TO TRANSFER THE PROCEEDING FROM ANOTHER
42 STATE HAS BEEN ISSUED UNDER PROCEDURES SIMILAR TO SECTION 14-12301.

43 B. IF A PETITION FOR THE APPOINTMENT OF A GUARDIAN IN AN EMERGENCY IS
44 BROUGHT IN THIS STATE AND THIS STATE WAS NOT THE RESPONDENT'S HOME STATE ON
45 THE DATE THE PETITION WAS FILED, THE COURT SHALL DISMISS THE PROCEEDING AT

1 THE REQUEST OF THE COURT OF THE HOME STATE, IF ANY, WHETHER DISMISSAL IS
2 REQUESTED BEFORE OR AFTER THE EMERGENCY APPOINTMENT.

3 14-12205. Exclusive and continuing jurisdiction

4 EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-12204, A COURT THAT HAS
5 APPOINTED A GUARDIAN OR ISSUED A PROTECTIVE ORDER CONSISTENT WITH THIS
6 CHAPTER HAS EXCLUSIVE AND CONTINUING JURISDICTION OVER THE PROCEEDING UNTIL
7 IT IS TERMINATED BY THE COURT OR THE APPOINTMENT OR ORDER EXPIRES BY ITS OWN
8 TERMS.

9 14-12206. Appropriate forum

10 A. A COURT OF THIS STATE THAT HAS JURISDICTION UNDER SECTION 14-12203
11 TO APPOINT A GUARDIAN OR ISSUE A PROTECTIVE ORDER MAY DECLINE TO EXERCISE ITS
12 JURISDICTION IF IT DETERMINES AT ANY TIME THAT A COURT OF ANOTHER STATE IS A
13 MORE APPROPRIATE FORUM.

14 B. IF A COURT OF THIS STATE DECLINES TO EXERCISE ITS JURISDICTION
15 UNDER SUBSECTION A OF THIS SECTION, IT SHALL EITHER DISMISS OR STAY THE
16 PROCEEDING. THE COURT MAY IMPOSE ANY CONDITION THE COURT CONSIDERS JUST AND
17 PROPER, INCLUDING THE CONDITION THAT A PETITION FOR THE APPOINTMENT OF A
18 GUARDIAN OR ISSUANCE OF A PROTECTIVE ORDER BE FILED PROMPTLY IN ANOTHER
19 STATE.

20 C. IN DETERMINING WHETHER IT IS AN APPROPRIATE FORUM, THE COURT SHALL
21 CONSIDER ALL RELEVANT FACTORS, INCLUDING:

- 22 1. ANY EXPRESSED PREFERENCE OF THE RESPONDENT.
- 23 2. WHETHER ABUSE, NEGLECT OR EXPLOITATION OF THE RESPONDENT HAS
24 OCCURRED OR IS LIKELY TO OCCUR AND WHICH STATE COULD BEST PROTECT THE
25 RESPONDENT FROM THE ABUSE, NEGLECT OR EXPLOITATION.
- 26 3. THE LENGTH OF TIME THE RESPONDENT WAS PHYSICALLY PRESENT IN OR WAS
27 A LEGAL RESIDENT OF THIS STATE OR ANOTHER STATE.
- 28 4. THE DISTANCE OF THE RESPONDENT FROM THE COURT IN EACH STATE.
- 29 5. THE FINANCIAL CIRCUMSTANCES OF THE RESPONDENT'S ESTATE.
- 30 6. THE NATURE AND LOCATION OF THE EVIDENCE.
- 31 7. THE ABILITY OF THE COURT IN EACH STATE TO DECIDE THE ISSUE
32 EXPEDITIOUSLY AND THE PROCEDURES NECESSARY TO PRESENT EVIDENCE.
- 33 8. THE FAMILIARITY OF THE COURT OF EACH STATE WITH THE FACTS AND
34 ISSUES IN THE PROCEEDING.
- 35 9. IF AN APPOINTMENT WERE MADE, THE COURT'S ABILITY TO MONITOR THE
36 CONDUCT OF THE GUARDIAN OR CONSERVATOR.

37 14-12207. Jurisdiction declined by reason of conduct

38 A. IF AT ANY TIME A COURT OF THIS STATE DETERMINES THAT IT ACQUIRED
39 JURISDICTION TO APPOINT A GUARDIAN OR ISSUE A PROTECTIVE ORDER BECAUSE OF
40 UNJUSTIFIABLE CONDUCT, THE COURT MAY:

- 41 1. DECLINE TO EXERCISE JURISDICTION.
- 42 2. EXERCISE JURISDICTION FOR THE LIMITED PURPOSE OF FASHIONING AN
43 APPROPRIATE REMEDY TO ENSURE THE HEALTH, SAFETY AND WELFARE OF THE RESPONDENT
44 OR THE PROTECTION OF THE RESPONDENT'S PROPERTY OR PREVENT A REPETITION OF THE
45 UNJUSTIFIABLE CONDUCT, INCLUDING STAYING THE PROCEEDING UNTIL A PETITION FOR

1 THE APPOINTMENT OF A GUARDIAN OR ISSUANCE OF A PROTECTIVE ORDER IS FILED IN A
2 COURT OF ANOTHER STATE HAVING JURISDICTION.

3 3. CONTINUE TO EXERCISE JURISDICTION AFTER CONSIDERING:

4 (a) THE EXTENT TO WHICH THE RESPONDENT AND ALL PERSONS REQUIRED TO BE
5 NOTIFIED OF THE PROCEEDINGS HAVE ACQUIESCED IN THE EXERCISE OF THE COURT'S
6 JURISDICTION.

7 (b) WHETHER IT IS A MORE APPROPRIATE FORUM THAN THE COURT OF ANY OTHER
8 STATE UNDER THE FACTORS PRESCRIBED IN SECTION 14-12206, SUBSECTION C.

9 (c) WHETHER THE COURT OF ANY OTHER STATE WOULD HAVE JURISDICTION UNDER
10 FACTUAL CIRCUMSTANCES IN SUBSTANTIAL CONFORMITY WITH THE JURISDICTIONAL
11 STANDARDS PRESCRIBED IN SECTION 14-12203.

12 B. IF A COURT OF THIS STATE DETERMINES THAT IT ACQUIRED JURISDICTION
13 TO APPOINT A GUARDIAN OR ISSUE A PROTECTIVE ORDER BECAUSE A PARTY SEEKING TO
14 INVOKE ITS JURISDICTION ENGAGED IN UNJUSTIFIABLE CONDUCT, IT MAY ASSESS
15 AGAINST THAT PARTY NECESSARY AND REASONABLE EXPENSES, INCLUDING ATTORNEY
16 FEES, INVESTIGATIVE FEES, COURT COSTS, COMMUNICATION EXPENSES, WITNESS FEES
17 AND EXPENSES, AND TRAVEL EXPENSES. THE COURT MAY NOT ASSESS FEES, COSTS OR
18 EXPENSES OF ANY KIND AGAINST THIS STATE OR A GOVERNMENTAL SUBDIVISION, AGENCY
19 OR INSTRUMENTALITY OF THIS STATE UNLESS AUTHORIZED BY LAW OTHER THAN THIS
20 CHAPTER.

21 14-12208. Notice of proceeding

22 IF A PETITION FOR THE APPOINTMENT OF A GUARDIAN OR ISSUANCE OF A
23 PROTECTIVE ORDER IS BROUGHT IN THIS STATE AND THIS STATE WAS NOT THE
24 RESPONDENT'S HOME STATE ON THE DATE THE PETITION WAS FILED, IN ADDITION TO
25 COMPLYING WITH THE NOTICE REQUIREMENTS OF THIS STATE, NOTICE OF THE PETITION
26 MUST BE GIVEN TO THOSE PERSONS WHO WOULD BE ENTITLED TO NOTICE OF THE
27 PETITION IF A PROCEEDING WERE BROUGHT IN THE RESPONDENT'S HOME STATE. THE
28 NOTICE MUST BE GIVEN IN THE SAME MANNER AS NOTICE IS REQUIRED TO BE GIVEN
29 PURSUANT TO CHAPTER 5 OF THIS TITLE.

30 14-12209. Proceedings in more than one state

31 EXCEPT FOR A PETITION FOR THE APPOINTMENT OF A GUARDIAN IN AN EMERGENCY
32 OR ISSUANCE OF A PROTECTIVE ORDER LIMITED TO PROPERTY LOCATED IN THIS STATE
33 UNDER SECTION 14-12204, SUBSECTION A, PARAGRAPH 1 OR 2, IF A PETITION FOR THE
34 APPOINTMENT OF A GUARDIAN OR ISSUANCE OF A PROTECTIVE ORDER IS FILED IN THIS
35 STATE AND IN ANOTHER STATE AND NEITHER PETITION HAS BEEN DISMISSED OR
36 WITHDRAWN, THE FOLLOWING RULES APPLY:

37 1. IF THE COURT IN THIS STATE HAS JURISDICTION UNDER SECTION 14-12203,
38 IT MAY PROCEED WITH THE CASE UNLESS A COURT IN ANOTHER STATE ACQUIRES
39 JURISDICTION UNDER PROVISIONS SIMILAR TO THOSE PRESCRIBED IN SECTION 14-12203
40 BEFORE THE APPOINTMENT OR ISSUANCE OF THE ORDER.

41 2. IF THE COURT IN THIS STATE DOES NOT HAVE JURISDICTION UNDER SECTION
42 14-12203, WHETHER AT THE TIME THE PETITION IS FILED OR AT ANY TIME BEFORE THE
43 APPOINTMENT OR ISSUANCE OF THE ORDER, THE COURT SHALL STAY THE PROCEEDING AND
44 COMMUNICATE WITH THE COURT IN THE OTHER STATE. IF THE COURT IN THE OTHER
45 STATE HAS JURISDICTION, THE COURT IN THIS STATE SHALL DISMISS THE PETITION

1 UNLESS THE COURT IN THE OTHER STATE DETERMINES THAT THE COURT IN THIS STATE
2 IS A MORE APPROPRIATE FORUM.

3 ARTICLE 3. TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP

4 14-12301. Transfer of guardianship or conservatorship to
5 another state

6 A. ANY INTERESTED PERSON MAY PETITION THE COURT TO TRANSFER THE
7 GUARDIANSHIP OR CONSERVATORSHIP TO ANOTHER STATE.

8 B. ON THE FILING OF A PETITION PURSUANT TO SUBSECTION A OF THIS
9 SECTION, THE COURT IN THIS STATE SHALL SET A HEARING ON THE PETITION AND THE
10 PETITIONER SHALL GIVE NOTICE OF THE HEARING TO THE PERSONS WHO PURSUANT TO
11 CHAPTER 5 OF THIS TITLE WOULD BE ENTITLED TO NOTICE OF THE HEARING ON A
12 PETITION FOR THE APPOINTMENT OF A GUARDIAN OR CONSERVATOR.

13 C. ON THE COURT'S OWN MOTION OR ON THE FILING OF AN OBJECTION TO A
14 PETITION FILED PURSUANT TO SUBSECTION B OF THIS SECTION, THE HEARING ON A
15 PETITION FILED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE SET AS AN
16 APPEARANCE HEARING, OTHERWISE THE HEARING SHALL BE SET AS A NONAPPEARANCE
17 HEARING.

18 D. AFTER THE HEARING HELD PURSUANT TO SUBSECTION C OF THIS SECTION,
19 THE COURT IN THIS STATE SHALL ENTER AN ORDER AUTHORIZING THE GUARDIAN OR
20 ANOTHER APPROPRIATE PERSON TO PETITION FOR GUARDIANSHIP IN THE OTHER STATE IF
21 THE COURT IN THIS STATE FINDS ALL OF THE FOLLOWING:

22 1. THE INCAPACITATED PERSON IS PHYSICALLY PRESENT IN OR IS REASONABLY
23 EXPECTED TO MOVE PERMANENTLY TO THE OTHER STATE.

24 2. AN OBJECTION TO THE TRANSFER HAS NOT BEEN MADE OR, IF AN OBJECTION
25 HAS BEEN MADE, THE OBJECTOR HAS NOT ESTABLISHED THAT THE TRANSFER WOULD BE
26 CONTRARY TO THE INTERESTS OF THE INCAPACITATED PERSON.

27 3. PLANS FOR CARE AND SERVICES FOR THE INCAPACITATED PERSON IN THE
28 OTHER STATE ARE REASONABLE AND SUFFICIENT.

29 E. AFTER THE HEARING HELD PURSUANT TO SUBSECTION C OF THIS SECTION,
30 THE COURT IN THIS STATE SHALL ENTER AN ORDER AUTHORIZING THE CONSERVATOR OR
31 ANOTHER APPROPRIATE PERSON TO PETITION FOR CONSERVATORSHIP IN THE OTHER STATE
32 IF THE COURT FINDS ALL OF THE FOLLOWING:

33 1. THE PROTECTED PERSON IS PHYSICALLY PRESENT IN OR IS REASONABLY
34 EXPECTED TO MOVE PERMANENTLY TO THE OTHER STATE, OR THE PROTECTED PERSON HAS
35 A SIGNIFICANT CONNECTION TO THE OTHER STATE CONSIDERING THE FACTORS
36 PRESCRIBED IN SECTION 14-12201, SUBSECTION B.

37 2. AN OBJECTION TO THE TRANSFER HAS NOT BEEN MADE OR, IF AN OBJECTION
38 HAS BEEN MADE, THE OBJECTOR HAS NOT ESTABLISHED THAT THE TRANSFER WOULD BE
39 CONTRARY TO THE INTERESTS OF THE PROTECTED PERSON.

40 3. ADEQUATE ARRANGEMENTS WILL BE MADE FOR MANAGEMENT OF THE PROTECTED
41 PERSON'S PROPERTY.

42 F. AFTER NOTICE AND A HEARING, THE COURT IN THIS STATE SHALL ENTER AN
43 ORDER CONFIRMING THE TRANSFER AND TERMINATING THE GUARDIANSHIP OR
44 CONSERVATORSHIP ON ITS RECEIPT OF BOTH OF THE FOLLOWING:

1 1. A CERTIFIED COPY OF THE LETTERS OF OFFICE OR OTHER AUTHORITY
2 INDICATING APPOINTMENT OF A GUARDIAN OR CONSERVATOR, OR BOTH, ISSUED BY THE
3 APPROPRIATE AUTHORITY IN THE STATE TO WHICH THE PROCEEDING IS TO BE
4 TRANSFERRED.

5 2. THE DOCUMENTS REQUIRED TO TERMINATE A GUARDIANSHIP OR
6 CONSERVATORSHIP IN THIS STATE, INCLUDING ANY REQUIRED ACCOUNTING FOR THE
7 PERIOD OF ADMINISTRATION BEFORE THE TRANSFER OF JURISDICTION.

8 14-12302. Accepting guardianship or conservatorship transferred
9 from another state

10 A. TO CONFIRM TRANSFER OF A GUARDIANSHIP OR CONSERVATORSHIP
11 TRANSFERRED TO THIS STATE UNDER PROVISIONS SIMILAR TO THOSE PRESCRIBED IN
12 SECTION 14-12301, AN INTERESTED PERSON MAY PETITION THE COURT IN THIS STATE
13 TO ACCEPT THE GUARDIANSHIP OR CONSERVATORSHIP. THE PETITION MUST INCLUDE A
14 CERTIFIED COPY OF THE OTHER STATE'S ORDER AUTHORIZING THE GUARDIAN OR
15 CONSERVATOR TO PETITION THE COURT OF THIS STATE FOR GUARDIANSHIP,
16 CONSERVATORSHIP OR OTHER PROTECTIVE ORDER.

17 B. NOTICE OF A PETITION UNDER SUBSECTION A OF THIS SECTION MUST BE
18 GIVEN TO THOSE PERSONS WHO WOULD BE ENTITLED TO NOTICE IF THE PETITION WERE A
19 PETITION FOR THE APPOINTMENT OF A GUARDIAN OR ENTRY OF A PROTECTIVE ORDER IN
20 BOTH THE TRANSFERRING STATE AND THIS STATE. THE NOTICE MUST BE GIVEN IN THE
21 SAME MANNER AS NOTICE OF INITIAL GUARDIANSHIP PROCEEDINGS AND PROTECTIVE
22 PROCEEDINGS IS REQUIRED TO BE GIVEN PURSUANT TO CHAPTER 5 OF THIS TITLE.

23 C. ON THE COURT'S OWN MOTION OR ON THE FILING OF AN OBJECTION TO A
24 PETITION PURSUANT TO SUBSECTION A OF THIS SECTION, THE HEARING ON A PETITION
25 FILED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE SET AS AN APPEARANCE
26 HEARING, OTHERWISE THE HEARING SHALL BE SET AS A NONAPPEARANCE HEARING.

27 D. AFTER THE HEARING HELD PURSUANT TO SUBSECTION C OF THIS SECTION,
28 THE COURT IN THIS STATE SHALL ENTER AN ORDER PROVISIONALLY GRANTING A
29 PETITION FILED UNDER SUBSECTION A OF THIS SECTION UNLESS EITHER:

30 1. AN OBJECTION TO THE PETITION IS MADE AND THE OBJECTOR ESTABLISHES
31 THAT TRANSFER OF THE PROCEEDING WOULD BE CONTRARY TO THE BEST INTERESTS OF
32 THE INCAPACITATED OR PROTECTED PERSON.

33 2. THE PROPOSED GUARDIAN OR THE PROPOSED CONSERVATOR IS INELIGIBLE FOR
34 APPOINTMENT IN THIS STATE.

35 E. THE COURT IN THIS STATE SHALL ENTER AN ORDER ACCEPTING THE
36 PROCEEDING AND APPOINTING A GUARDIAN OR CONSERVATOR IN THIS STATE ON ITS
37 RECEIPT FROM THE COURT FROM WHICH THE PROCEEDING IS BEING TRANSFERRED OF A
38 FINAL ORDER ISSUED UNDER PROVISIONS SIMILAR TO SECTION 14-12301 TRANSFERRING
39 THE PROCEEDING TO THIS STATE.

40 F. NOT LATER THAN NINETY DAYS AFTER ENTRY OF AN ORDER ACCEPTING
41 TRANSFER OF A GUARDIANSHIP OR CONSERVATORSHIP, THE COURT IN THIS STATE SHALL
42 DETERMINE WHETHER THE GUARDIANSHIP OR CONSERVATORSHIP NEEDS TO BE MODIFIED TO
43 CONFORM TO THE LAW OF THIS STATE.

44 G. IN GRANTING A PETITION UNDER THIS SECTION, THE COURT IN THIS STATE
45 SHALL RECOGNIZE A GUARDIANSHIP OR CONSERVATORSHIP ORDER FROM THE OTHER STATE,

1 INCLUDING THE DETERMINATION OF THE INCAPACITATED OR PROTECTED PERSON'S
2 INCAPACITY AND THE APPOINTMENT OF THE GUARDIAN OR CONSERVATOR.

3 H. THE DENIAL BY A COURT OF THIS STATE OF A PETITION TO ACCEPT A
4 GUARDIANSHIP OR CONSERVATORSHIP TRANSFERRED FROM ANOTHER STATE DOES NOT
5 AFFECT THE ABILITY OF AN INTERESTED PERSON TO SEEK APPOINTMENT AS A GUARDIAN
6 OR CONSERVATOR IN THIS STATE UNDER CHAPTER 5 OF THIS TITLE IF THE COURT IN
7 THIS STATE HAS JURISDICTION TO MAKE AN APPOINTMENT OTHER THAN BY REASON OF
8 THE ORDER OF ANOTHER STATE'S COURT AUTHORIZING THE TRANSFER OF THE
9 GUARDIANSHIP OR CONSERVATORSHIP.

10 ARTICLE 4. REGISTRATION AND RECOGNITION OF ORDERS FROM OTHER STATE

11 14-12401. Registration of guardianship orders

12 IF A GUARDIAN HAS BEEN APPOINTED IN ANOTHER STATE AND A PETITION FOR
13 THE APPOINTMENT OF A GUARDIAN IS NOT PENDING IN THIS STATE, THE GUARDIAN
14 APPOINTED IN THE OTHER STATE, AFTER GIVING NOTICE TO THE APPOINTING COURT OF
15 AN INTENT TO REGISTER, MAY REGISTER THE GUARDIANSHIP ORDER IN THIS STATE BY
16 FILING AS A FOREIGN JUDGMENT IN A COURT, IN ANY APPROPRIATE COUNTY OF THIS
17 STATE, CERTIFIED COPIES OF THE ORDER AND LETTERS OF OFFICE.

18 14-12402. Registration of protective orders

19 IF A CONSERVATOR HAS BEEN APPOINTED IN ANOTHER STATE AND A PETITION FOR
20 A PROTECTIVE ORDER IS NOT PENDING IN THIS STATE, THE CONSERVATOR APPOINTED IN
21 THE OTHER STATE, AFTER GIVING NOTICE TO THE APPOINTING COURT OF AN INTENT TO
22 REGISTER, MAY REGISTER THE PROTECTIVE ORDER IN THIS STATE BY FILING AS A
23 FOREIGN JUDGMENT IN A COURT OF THIS STATE, IN ANY COUNTY IN WHICH PROPERTY
24 BELONGING TO THE PROTECTED PERSON IS LOCATED, CERTIFIED COPIES OF THE ORDER,
25 THE LETTERS OF OFFICE AND OF ANY THEN CURRENT BOND REQUIRED BY THE APPOINTING
26 COURT.

27 14-12403. Effect of registration

28 A. ON REGISTRATION OF A GUARDIANSHIP OR CONSERVATORSHIP OR ANY OTHER
29 PROTECTIVE ORDER FROM ANOTHER STATE, THE GUARDIAN OR CONSERVATOR MAY EXERCISE
30 IN THIS STATE ALL POWERS AUTHORIZED IN THE ORDER OF APPOINTMENT EXCEPT AS
31 PROHIBITED UNDER THE LAWS OF THIS STATE, INCLUDING MAINTAINING ACTIONS AND
32 PROCEEDINGS IN THIS STATE AND, IF THE GUARDIAN OR CONSERVATOR IS NOT A
33 RESIDENT OF THIS STATE, SUBJECT TO ANY CONDITIONS IMPOSED ON NONRESIDENT
34 PARTIES.

35 B. A COURT OF THIS STATE MAY GRANT ANY RELIEF AVAILABLE UNDER THIS
36 CHAPTER AND OTHER LAW OF THIS STATE TO ENFORCE A REGISTERED ORDER.

37 ARTICLE 5. MISCELLANEOUS PROVISIONS

38 14-12501. Uniformity of application and construction

39 IN APPLYING AND CONSTRUING THIS CHAPTER, THE COURTS SHALL CONSIDER THE
40 NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS SUBJECT MATTER
41 AMONG THE STATES THAT ENACT THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE
42 PROCEEDINGS JURISDICTION ACT.

