

**Reported Cases on Multi-state Guardianship Jurisdiction Issues
Supporting Need for the *Uniform Adult Guardianship and
Protective Proceedings Jurisdiction Act (UAGPPJA)*,
Sorted by First State Involved**

**American Bar Association Commission on Law and Aging
November 2010**

Cases identified through National Guardianship Association Annual Legal Reviews

State where case was heard is shown in italics

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UAGPPJA Issue	Case	First State Involved	Second State Involved	Case Summary; Human Face	UAGPPJA Resolution
Jurisdiction	<i>In the Matter of the Guardianship of Richardson</i> , 28 P.3d 621 (2000)	CO	<i>OK</i>	Case Summary: Veronica Richardson was 22 years old and partially incapacitated. Her parents were divorced, and both lived in Colorado. Richardson lived with her mother in Colorado until her paternal grandparents took her to Oklahoma without her mother’s permission. The grandparents were awarded limited guardianship of Richardson by an Oklahoma court. The mother sought reconsideration and dismissal of the limited guardianship order. The Oklahoma court concluded that the Colorado order dissolving the parents’ marriage was entitled to full faith and credit in Oklahoma, that the mother was the “natural guardian” over her unemancipated daughter, and that	Under the Act, Colorado would be the home state. The respondent had no connection with Oklahoma other than her grandparents. Consideration of the mother’s objections

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				<p>the lower court had therefore erred in appointing the grandparents as limited guardians.</p> <p>Human Face: Veronica Richardson was a young woman whose parents and lifelong contacts were in Colorado. She was caught in inter-generational conflict between her mother and her grandparents, who lived in different states. Speedy resolution was in her best interest.</p>	could be hastened.
Jurisdiction	<i>In Re Orshansky</i> , 804 A.2d 1077 (2002)	DC	NY	<p>Case Summary: Mollie Orshansky was hospitalized after DC Adult Protective Services determined that she was self-neglecting. The hospital petitioned in DC to have a guardian appointed for Orshansky. Before the case was heard, Orshansky’s niece, Jane Pollack, who was agent under health care advance directive, took Orshansky to New York. Pollack subsequently appealed the DC Probate Court decision to appoint a DC lawyer as Orshansky’s guardian. One of the many issues raised in the appeal was whether DC had jurisdiction to hear the guardianship case given Orshansky’s removal to New York. The appellate court ruled that DC had jurisdiction of the probate case because (1) there was no proof that Orshansky, who owned property in DC and New York, had ever indicated any intent to move to NY; (2) the health care power of attorney did not authorize Pollack to make decisions regarding Orshansky’s domicile; (3) the purpose of DC’s guardianship law would not be fulfilled if the court lost jurisdiction over a case each time an alleged incapacitated person left DC after a petition was filed; and (4) the purpose of the law also would not be met if a third party could terminate the court’s jurisdiction simply by unilaterally removing the alleged incapacitated person from DC.</p>	Under the Act, DC would be the home state, and Orshansky’s presence in New York could not be the basis for jurisdiction. The Act would hasten resolution of the jurisdictional issue.

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				<p>Human Face: Mollie Orshansky was an 87-year-old retired federal employee who had gained fame as originator of the “poverty line.” She had lived by herself in DC for 40 years. She has no family in DC, but had two sisters and nieces and nephews in New York City, and had planned to retire there in an apartment she had purchased. While the main thrust of the case was the recognition of her advance planning documents, the jurisdictional issue was an important subtext.</p>	
Jurisdiction	<i>Matter of Rose Jacobs</i> , 717 A..2d 432 (N.J. Ch. Div. 1998)	FL	NJ	<p>Case Summary: Rose Jacobs had daughter in New Jersey and son in Florida. She lived in Florida until her husband died in 1989, then intermittently in Florida and New York, and then in Florida for three years. In 1997 she was sent to New Jersey to stay with daughter, but had a return ticket and did not pack all her belongings. Daughter filed petition for guardianship in New Jersey, and son sought dismissal on grounds that respondent was domiciled in Florida. The court analyzed the concept of domicile and capacity to choose domicile, and determined that Rose Jacobs was domiciled in Florida, that court had no jurisdiction, and dismissed the action. (There was no competing Florida filing.)</p> <p>Human Face: Rose Jacobs was 85 years old. Her son and daughter fought over control of their mother, and played this out in court over the filing of a guardianship petition. Quick resolution of such cross-border family disputes is essential for the elder caught in the middle, and to avoid excessive litigation costs.</p>	Under the Act, Florida would be home state. The New Jersey court readily could have identified Florida as the home state without a protracted analysis of domicile.
Jurisdiction	<i>Guardianship of Betty Pat</i>	FL	CA	Case Summary: While living in Florida, Betty executed a health care directive naming her son as agent and nominating him as guardian. Florida	Under the Act, Florida would be the

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	<p><i>Graham et al v Luke Graham</i>, 963 So.2d 275 (Fl. Dist. Ct. App. 2007); <i>Lawrence Graham v. Florida Dept. Children & Families, and Catholic Charities of the Diocese of Palm Beach, Inc.</i>, 970 So.2d 438 (Fl. Dist. Ct. App.2007)</p>			<p>agency petitioned for and received emergency guardianship. The son secretly took Betty to California without notifying guardian or court. The Florida court held the son in criminal contempt. Son argued that the court lost jurisdiction when Betty left the state. The District Court held that improperly moving an incapacitated person cannot divest the court of jurisdiction. Court of Appeals held there was no determination of whether the health care directive was valid, and incapacity was not established. The appellate court reversed & remanded the case with direction to dismiss the guardianship and determine the validity of the directive.</p> <p>Human Face: Son moved Betty to a locked Alzheimer’s unit in several different locations, under different pseudonyms. Betty did not have Alzheimer’s, and Florida agency petition alleged that the son’s purpose was to prevent his brother from seeing her. Son then took her to California without notice to anyone, and refused to reveal her location to the court, arguing at the same time that the court did not have jurisdiction because she had left the state and could not be located. Court held son in criminal contempt, stating that his “improper act of . . . removing Betty from Florida to a ‘secret location’ cannot divest the Florida court of jurisdiction.”</p>	<p>home state, and another state could not gain jurisdiction by presence alone and by unjustifiable conduct.</p>
Recognition	<p><i>In Re Guardianship of Margaret Enos</i>, 670 N.E.2d 967 (1996)</p>	FL	MA	<p>Case Summary: Margaret Enos lived in Florida, where a private non-profit agency was appointed her guardian. Without authority or notice, her daughter took her to a Massachusetts nursing home, claiming that the agency had neglected Enos. Agency, with Florida court order, sought return of Enos to Florida. Daughter filed for guardianship in Massachusetts. Massachusetts court ordered surrender of Enos to agency, for return to Florida, and dismissed daughter’s petition. Daughter appealed, contending that Florida</p>	<p>Under the Act, the Florida guardianship agency could register and seek recognition in Massachusetts, avoiding lengthy litigation.</p>

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				<p>guardianship was not entitled to recognition in Massachusetts. Appellate court affirmed, recognized Florida guardianship and stated that Florida had jurisdiction.</p> <p>Human Face: Margaret Enos was 90 years old. All of her connections except her daughter were in Florida, yet she was suddenly uprooted from Florida and taken to a Massachusetts facility. Her ability to travel back was questioned as possible “unacceptable risk.” Moreover, the guardian agency had to spend estate funds to petition the Massachusetts court for her return and custody. While daughter alleged agency was neglecting her mother, she should have made this argument in Florida.</p>	
Jurisdiction	<i>Dakuras v. Edwards</i> , 312 F.3d 256 (7 th Cir. 2002)	IL	OH	<p>Case Summary: Dakuras lived with his girlfriend, Calder, in Illinois. She had a stroke and her relatives from Ohio moved her to Ohio, where they filed for and were appointed as guardians. They placed her in assisted living. Dakuras then sued them, claiming that the relatives had taken and refused to return valuable property of his and would not let him see Calder. He brought his case in federal court because of diversity jurisdiction. The district court ruled that the guardians had no authority to change Calder’s domicile from Illinois to Ohio and dismissed the case for lack of diversity jurisdiction. Dakuras appealed. The appellate court concluded that guardians do have the authority to change the domicile of their wards. (The court also said the guardians had bad motives in moving Calder to Ohio and that they were estopped from claiming that they had not changed her domicile.) The appellate court ordered the district court to reinstate Dakuras’ diversity suit.</p> <p>Human Face: Relatives moved Calder to Ohio, where they had her declared</p>	<p>Since this case involved Federal court diversity jurisdiction, the Act would not apply. There are insufficient facts to determine the effect of the Act if the case had been brought in state court.</p>

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				incapacitated, placed her in an assisted-living facility there, and prevented Dakuras from having any contact with her. Motives and merits of the move are unclear, but case turned on determination of domicile for purposes of federal diversity jurisdiction.	
Recognition	<i>In the Matter of Steven Prye</i> , 169 S.W.3d 116 (Mo. Ct. App. 2005)	IL	MO	<p>Case Summary: Steven Prye, with Tennessee roots, was involuntarily committed in Illinois, and had Illinois public guardian (Office of State Guardian), and was placed in Missouri facility. There was a petition for a Missouri guardian. Missouri lower court failed to recognize Illinois public guardian. Missouri appellate court found Illinois guardianship was entitled to recognition & enforcement by Missouri courts under Full Faith and Credit Clause of U.S. Constitution and Missouri statute.</p> <p>Human Face: Steven Prye was a 52-year-old professor with mental illness. The Illinois Office of State Guardian facilitated an evaluation at Washington University in St. Louis, Missouri, which revealed Prye suffered from Schizo affective Disorder, Bi-polar type. He was in and out of psychiatric wards with numerous behavior problems and violent incidents. Recognition of the Illinois guardianship could have expedited proper treatment.</p>	Under Act, the Illinois guardian could have registered the order in Missouri, and it would have been recognized and enforced without need of litigation.
Recognition	<i>In the Matter of Myrtle Dunn</i> , 181 S.W.3d 601 (Mo. Ct. App. 2006)	IL	MO	<p>Case Summary: Myrtle Dunn was an Illinois resident with an Illinois guardian, who sought treatment for mental illness in a Missouri hospital. The hospital filed a petition for electroconvulsive therapy, as required by Missouri law. The probate court dismissed the petition for lack of jurisdiction, finding that only guardians or conservators may petition for such treatment, and that Missouri did not recognize a guardian appointed by another state. The appellate court found that the probate court erred in refusing to recognize the</p>	Under Act, the Illinois guardian could have registered the order in Missouri, and it would have been recognized and enforced without

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				<p>Illinois guardianship. The court noted that recognition is required by the Full Faith and Credit clause of the U.S. Constitution, and cited <i>In Re Prye</i>.</p> <p>Human Face: Myrtle Dunn sought treatment for chronic schizophrenia, and suffered from assaultive thoughts and behavior and intermittent suicidal ideation, posing a threat to herself and others. She was put at risk in waiting for appellate review of the jurisdictional (and other) issues.</p>	need of litigation.
Transfer	<i>In Re Guardianship of Jane E.P.</i> , 700 N.W.2d 863 (Wis. 2005)	IL	WI	<p>Case Summary: Jane E.P. was an incapacitated person living in a nursing home in Illinois, near the Wisconsin border. Jane’s guardian, her sister, wanted to move her to a private nursing facility in Wisconsin, close to relatives. A Wisconsin county department of social services filed a petition for guardianship and protective placement, naming the sister as guardian. The county unified board sought dismissal based on a Wisconsin statute requiring respondent to be a resident at the time of filing. The circuit court dismissed the petition. The court of appeals reversed, determining that, as applied to Jane, the statute violated her constitutional right to interstate travel. The court reasoned that since she was incapable of living outside a facility, she could not move to Wisconsin to become a resident, as she would have nowhere to live. Wisconsin Supreme Court vacated the court of appeals decision and remanded to the circuit court. The Supreme Court recommended that the standards articulated in the National College of Probate Judges Advisory Committee on Interstate Guardianships Final Report be used to resolve such interstate cases of transfer of guardianships from one state to another, and governing communication and cooperation between courts.</p> <p>Human Face: Jane was a 47-year-old woman who suffered from Wernicke’s</p>	The Act would enable Jane’s guardianship to be transferred expeditiously.

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				encephalopathy, and was unable to care for herself. Jane’s guardian and many of Jane’s relatives lived just across the Illinois border in Wisconsin. The question in this case was how to promote comity between the states and an outcome in Jane’s best interest -- how to provide for an orderly transfer to Wisconsin where she would be closer to her family.	
Jurisdiction	<i>In Re: Guardianship of Elizabeth Ann Replogle</i> , 841 N.E.2d 330 (Ohio Ct. App. 2005)	IN	OH	<p>Case Summary: Indiana court appointed Elizabeth’s mother as guardian. Sister petitioned for removal, stating allegations of abuse. Elizabeth was moved to a nursing home in Ohio. Indiana court ordered the guardian to return her to Indiana. Another party (relationship unknown) filed for emergency guardianship in Ohio, and was appointed ex parte. Sister then filed a motion asking the Ohio court to give full faith and credit to the Indiana guardianship. Ohio court terminated Ohio guardianship and advised guardian to return Elizabeth to Indiana. Ohio trial court said Elizabeth’s best interests could more appropriately be determined by the Indiana court. Appellate court affirmed, noting that the trial court in Ohio properly deferred to the Indiana court as a better forum to determine best interests.</p> <p>Human Face: Elizabeth Replogle was a 41-year-old adult resident of IN with mental retardation. She was suddenly moved to an Ohio nursing home. The Ohio trial court noted there was “something fishy” about the Ohio petition for emergency guardianship; and appellate court said the record indicates the possibility that the guardian moved Elizabeth to Ohio “solely for the purpose of avoiding the termination of her status as guardian in Indiana.”</p>	There were two competing guardianships in two states. Under the Act, Indiana as home state would have jurisdiction, and the Act would promote communication between the courts as to the best interests of the respondent. The Ohio court could have declined jurisdiction because Indiana was a more appropriate forum and because of possible unjustifiable conduct.

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Recognition	<i>Leila Hilkmann v. Dirk H. Hilkmann</i> , 858 A.2d 58 (Pa. 2004)	Israel	PA	<p>Case Summary: Daniel Hilkmann was an 18-year-old adult with a neurological impairment. His parents were divorced, with mother and Daniel living in Israel, and father in Pennsylvania. School asked mother to seek guardianship to make decisions about curriculum. She filed and was appointed under Israeli law, with no notice of the proceedings to Daniel. Father objected, and after Daniel’s visit to Pennsylvania, kept him there and enrolled him in school. Mother filed petition in Pennsylvania court to enforce Israeli order. Father challenged Pennsylvania court’s jurisdiction for such enforcement. Trial court granted mother’s petition on grounds of comity. Appellate court reversed, stating that Israeli guardianship procedure differed substantially, particularly that Daniel was not given notice. Pennsylvania Supreme Court affirmed appellate decision, analyzing principle of comity and its criteria, noting lack of procedure in Pennsylvania law for recognition and transfer of foreign guardianship orders. Noted need for approval of the exporting court and notice to the incapacitated person. The court stated that the Israeli order was for the limited purpose of curriculum decisions, not removal from the country, which would require procedural protections.</p> <p>Human Face: Daniel was a young adult with cognitive impairment, who attended school and was preparing for employment. He “became upset” when he learned of the guardianship. As his parents argued across international borders over where he would live and go to school, he had no opportunity to participate and express his opinions.</p>	Since Article 4 of the Act (recognition and enforcement) does not include orders from a foreign country, the court would be left with principles of comity and its exceptions including the need for procedural due process protections. The court could cite Act as providing a jurisdictional model.
Jurisdiction	<i>In re Application of Vaneria</i> , 275	MA	NY	Case Summary: Emma Vaneria was 19 years old and had autism and mental retardation. She had resided in Massachusetts with or near her mother since her parents had separated. Vaneria’s father, who lived in New York, was	Under the Act, designation of Massachusetts as the

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	A.D.2d 221 (2000)			<p>appointed as her guardian in New York. Her mother appealed that decision. The New York appellate court overturned the guardianship order. The court stated that New York had no jurisdiction over Vaneria because she did not live in the state, was not present in the state, and owned no property in the state.</p> <p>Human Face: Emma Vaneria was a young woman caught in conflict between her parents, who lived in different states, and speedy resolution was in her best interest.</p>	home state would facilitate quick resolution.
Jurisdiction	<i>Mack v. Mack</i> , 618 A.2d 744 (1993)	MD	FL	<p>Case Summary: Ronald Mack was in a persistent vegetative state as a result of an auto accident. His wife, Deanna, had been appointed his guardian in Maryland, where Ronald was hospitalized and had always resided prior to the accident. Deanna moved to Florida several years later. Ronald remained in Maryland where his father and a sister resided. Deanna was appointed Ronald's guardian by a Florida court and the Maryland guardianship was terminated. Thereafter, Deanna learned that under Florida law she might be able to terminate Ronald's nutrition and hydration, which she believed would have been his wish, if he was moved to Florida. Ronald's father learned of Deanna's plan. He petitioned to become Ronald's guardian in Maryland. Deanna cross-petitioned, seeking either confirmation of her appointment as Ronald's guardian in Florida or re-appointment as Ronald's guardian in Maryland. The lower court concluded that Deanna's appointment as guardian in Florida was not entitled to full faith and credit in Maryland because Ronald's contacts with the state of Florida were insufficient to support the Florida court's jurisdiction. Deanna appealed. The appellate court affirmed, stating that: (1) Ronald had never lived in Florida or expressed any intent to</p>	Under the Act, Maryland would be the home state. Florida could have declined jurisdiction as there was an existing guardianship in Maryland and Maryland was a more appropriate forum. This could have avoided the litigation.

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				<p>live in Florida; and (2) the fact that his wife and children had moved to Florida and that Deanna received his veteran’s benefit check in Florida were not sufficient to support Florida’s jurisdiction over Ronald’s person.</p> <p>Human Face: At age 23, Ronald Mack was involved in an auto accident in which he suffered massive brain injuries. He never regained consciousness after the accident. The case involves an application to withhold nutrition and hydration to a previously competent, adult, hospital patient who had been in a persistent vegetative state for 10 years, but who was not terminally ill. The case illustrates how a party can seek to use guardianship jurisdiction as a tool to achieve other ends.</p>	
Transfer	<i>In the Matter of Brian Pulley v. Sandgren</i> , No. WD 64966 (Mo. Ct. App. 2006)	MI	MO	<p>Case Summary: Mother and father of Bryan Pulley lived in Missouri. They divorced and the mother moved to Michigan. Bryan sustained brain injury at age 17. Mother took Bryan to Michigan for rehabilitation, and Michigan court appointed her guardian. Bryan returned to Missouri with father six years later. After three years, Father wanted guardianship of Bryan, and filed petition in Missouri court to register and modify the Michigan guardianship order. He requested a transfer of the guardianship to Missouri. Following a hearing with participation of Mother, Michigan court transferred guardianship to Missouri. Missouri judge held hearing and removed mother, appointing father. Mother appealed. Appellate court affirmed, giving full faith and credit to Michigan guardianship, and finding appointment of father to be in Bryan’s best interest.</p> <p>Human Face: Bryan Pulley was a young man who enjoyed living with his father in Missouri, and was involved in a daily routine and work-related</p>	Under the Act, the transfer provisions are initiated by the guardian. Here they were initiated by an interested party. The Act sets out procedure for fair and expeditious transfer with participation by interested parties. The Act would facilitate communication and cooperation between

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				activities in Missouri. It was in his interest to resolve the jurisdictional questions as soon as possible.	courts.
Jurisdiction	<i>In Re Guardianship of Ralph DeCaigny</i> (Minn. Ct. App. 1994)	MN	NM	<p>Case Summary: Incapacitated person Ralph DeCaigny originally lived in Minnesota, and a Minnesota bank was appointed as guardian of estate by Minnesota court. DeCaigny’s sister and her husband moved him to New Mexico where he remained 12 years. New Mexico court appointed them as guardians. Sister died but her husband, Brown, continued to serve, with DeCaigny’s brother as substitute guardian. Minnesota bank petitioned Minnesota court for removal of Brown as guardian of person on basis of mismanagement of health care costs and failure to report, as well as inability to care for DeCaigny. Minnesota court removed Brown. Minnesota judge contacted New Mexico judge, who agreed to removal. Guardian Brown appealed. Appellate court stated that a Minnesota court lacked jurisdiction to remove a New Mexico guardian, and reversed and remanded. Appellate court encouraged the two lower courts to work on a plan whereby the incapacitated person and guardian of person and of estate would all be in same state.</p> <p>Human Face: Ralph DeCaigny was a 77-year-old individual with Alzheimer’s disease for 14 years. His best interests were at stake, and the “split jurisdiction” between the guardian of the person and guardian of the estate in two different states made this difficult.</p>	Under the Act, the home state would be New Mexico, with jurisdiction for appointment and removal of guardian of person. The Act would facilitate judicial communication and hasten resolution.
Jurisdiction	<i>Guardianship of Bessie Santrucek</i> , 2007 WL	MN	OH	Case Summary: Bessie lived in Minnesota near the Ohio border. Daughter placed Bessie in assisted living in Ohio, and filed for guardianship in Ohio court. A third party from Arizona challenged jurisdiction. The trial court ruled that it had jurisdiction and that the case should not be removed to	Under the Act, Minnesota would be the home state, with Ohio as a possible

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	1934729 (Ohio Ct. App.. 2007)			<p>Minnesota. Third party appealed and court rejected appeal due to lack of standing.</p> <p>Human Face: Bessie was 96 years old. Daughter traveled periodically from Ohio to visit her mother. Since Bessie lived near border, she could have significant connections in both states.</p>	significant connection state. The Act would facilitate communication between judges.
Jurisdiction	<i>In the Matter of the Conservatorship of Opal Williams Murphey</i> , 910 So.2d 1234 (Miss. Ct. App. 2005)	MS	FL; AL	<p>Case Summary: After raising five children in Mississippi, Opal married Mr. Murphey. They lived in Florida for many years. When Murphey had a heart attack, Opal's family moved her back to Mississippi, but after four months, she lived in assisted living in Alabama for over two years. Opal's son filed for and was appointed as conservator in Mississippi. When Murphey's health improved, he filed a motion to intervene in the conservatorship, alleging the court had no jurisdiction as Opal was not a resident of Mississippi. Opal returned to Florida to live with Murphey. Mississippi court removed son as conservator, finding Opal a resident of Florida. Son appealed. Court of appeals confirmed that Mississippi courts did not have jurisdiction.</p> <p>Human Face: Opal was an older woman with dementia, facing considerable stress due to her husband's heart attack, temporary separation from her husband, and her moves from Florida to Mississippi to Alabama and back to Florida. A large amount of time, money and angst was spent over her son's conservatorship filing in Mississippi and the determination of the question of jurisdiction, which could have been avoided through the procedures of the Uniform Act.</p>	The respondent had been in Alabama for two years, but had significant connections in Florida and Mississippi. Under the Act, the courts could communicate to establish the most appropriate forum, avoiding lengthy litigation.
Recognition	<i>In re Estate of</i>	MT	FL	Case Summary: Sally O'Keefe was incapacitated and a life-long resident of	Under the Act, the

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	<i>O'Keefe</i> , 833 So.2d 162 (2002)			<p>Montana. In the course of probating her father's estate in Florida, the following were appointed: a guardian ad litem in Florida, a conservator in Montana by a Montana court, and a guardian ad litem in Montana. The conservator (Sally's brother) and other family members proposed a family settlement agreement in which Sally would assign her interests in her father's estate in exchange for establishment and funding by other family members of a special needs trust. The Florida guardian ad litem opposed the proposal, while the Montana guardian ad litem supported it. The Montana court approved the proposal. The Florida guardian ad litem challenged the proposal in Florida, claiming that the Montana court had no subject matter jurisdiction over Sally's interest in her father's Florida estate. The Florida trial court ruled that the Montana order was not entitled to full faith and credit. The Florida appellate court overturned the trial court's decision, ruling that the Montana court clearly had personal jurisdiction over its incapacitated residents and subject matter jurisdiction over its resident's interest in an estate distribution governed by Florida law. (While father's property was in Florida, she had only an interest in intestate estate upon disposition, no current jurisdiction over any Florida property.)</p> <p>Human Face: This was a very complex case involving three states, a forged will, and allegations that Sally O'Keefe's father had financially exploited his own mother. Jurisdiction was only one of several intertwined issues.</p>	Montana conservator could register and seek recognition in Florida. The Act could bolster communication between judges in this complex case.
Jurisdiction	<i>In the Matter of Marguerite Seyse</i> 803 A.. 2d 694 (N.J.	NJ	CT	Case Summary: Seyse's two daughters (Oehler and Olson) each petitioned in New Jersey to have their mother declared incapacitated and to be appointed as the mother's guardian. The New Jersey court declared the mother incapacitated and appointed the two daughters and Oehler's husband as co-	Under the Act, New Jersey would be the home state, and Olson could not gain

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	Super.Ct. App. Div. 2002)			<p>guardians of the mother’s person and property. The court also named a lawyer to act as an arbitrator of disputes among the co-guardians.</p> <p>Subsequently, Olson moved Seyse to Olson’s home in Connecticut without obtaining consent from the court or the co-guardians. Each daughter then petitioned the New Jersey court to have the other daughter removed as co-guardian, and Olson filed a conservatorship (guardianship) proceeding in Connecticut. The New Jersey judge dissolved the co-guardianship and appointed Olson as guardian of Seyse’s person and Oehler as guardian of Seyse’s property. His rationale, which overcame concerns about Olson moving Seyse out of state without permission, was that Olson was caring for Seyse in her own home whereas Oehler would have placed Seyse in a facility, and that Seyse had expressed desire to remain with Olson in Connecticut.</p> <p>Seyse died while residing in Olson’s home. A probate contest ensued, which raised the issue of whether a guardian can change the domicile of an incapacitated person. Appellate court concluded that a guardian may change the domicile, and concluded that the trial court judge had determined that domicile in Connecticut was in Seyse’s best interest.</p> <p>Human Face: Marguerite Seyse was in assisted living in New Jersey, became disruptive at age 88, and was placed in a psychiatric hospital. Daughter Olson brought her mother to her home in Connecticut. Guardian ad litem interviewed Seyse and found she wanted to remain in Connecticut. The court’s lengthy determination of domicile was in connection with dispute about probate jurisdiction, not guardianship jurisdiction.</p>	Connecticut jurisdiction by moving the mother there. However, the mother eventually was placed in Connecticut by the New Jersey court, and a future transfer to Connecticut could be facilitated under the Act.

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Jurisdiction	<i>Matter of Glasser</i> , 2006 WL 510096 N.J. Super. Ct. Ch. Div. (2006), unpublished opinion not reported in A.2d	NJ	TX	<p>Case Summary. Lillian Glasser was long-time New Jersey resident. She visited her daughter in Texas, and the daughter filed for and was awarded temporary guardianship. Son and nephew objected, stating that the matter should be heard in New Jersey. Issue was whether New Jersey court should defer to Texas court. New Jersey court held Lillian Glasser had more contacts in New Jersey, that there was no evidence that she intended change domicile, and that state public policy favors that capacity of domiciliaries be determined in New Jersey courts. Court then held lengthy hearing in New Jersey on capacity, selection of guardian & other issues.</p> <p>Human Face: This was a highly contested battle between siblings to control their mother and her \$25 million fortune. The case involved dozens of lawyers and resulted in legal fees in Texas alone in excess of \$1.5 million. The 86-year-old widow Lillian Glasser was kept in Texas, away from her home in New Jersey. According to the guardian ad litem, she “repeatedly expressed her desire to return to her home in New Jersey.” The guardian ad litem suggested that her “inability to live in her own home is a continuing source of distress for her that may actually be aggravating her physical and mental condition.”</p>	Under the Act, New Jersey would be the home state, and the Texas court could have declined jurisdiction because of unjustifiable conduct of the daughter. The Act would facilitate timely resolution and promote communication between judges, saving vast amount of time and expense over extended litigation.
Jurisdiction	<i>In Re Guardianship of Morrison</i> , 972 So.2 nd 905 (Fl. Dist. Ct. App. 2007)	NJ	FL	Case Summary: Mr. Morrison lived in New Jersey with his longtime companion and girlfriend. After a head injury, he received in-home care in New Jersey until his adult children took him to Florida without companion’s consent or knowledge. Companion filed a petition in New Jersey court, which issued an order to show cause and held proceedings at which the children were represented. Daughter filed competing petition in Florida, and Florida court issued letters of emergency guardianship. Companion filed motion in	Under the Act, the home state would be New Jersey, and Florida could have declined jurisdiction because New Jersey was a more

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				<p>Florida court requesting court to set aside letters of guardianship or hold in abeyance pending New Jersey action. Florida court denied the motion and entered order of incapacity. New Jersey court held a hearing on standing and jurisdiction, and issued an order holding that New Jersey had jurisdiction because Morrison was a domiciliary. Companion filed a motion in Florida asking court to revoke appointment or stay proceedings based on principle of priority. Florida court denied the motion and she appealed. Appellate court in Florida reversed and remanded, holding that New Jersey was first to exercise jurisdiction, in issuing the show cause order, and that as matter of comity, the Florida lower court abused its discretion in failing to stay the proceedings.</p> <p>Human Face: Mr. Morrison was 71 years old and incapacitated due to head injury. He was removed from his longtime home. His companion filed five motions over five months, and all parties participated in hearings in both states, at great expense.</p>	<p>appropriate forum. The Act would have resolved the jurisdictional question, avoiding the lengthy litigation.</p>
Jurisdiction	<i>In the Matter of Floretta Sutton-Logan</i> (2009 WL 2707357, N.J. Super. A.D.)	NJ	VA	<p>Case Summary: Petitioner and Floretta, alleged incapacitated person, were married in New Jersey. It was a second marriage for both, and they each had adult children. Both had lived many years in New Jersey. They moved to Virginia when the petitioner got a job there. Floretta named her daughter as an agent under a power of attorney. While visiting New Jersey, Floretta became ill, was hospitalized, and then admitted to a New Jersey nursing facility. Floretta’s daughter filed a petition in New Jersey court to be named as her guardian. The court appointed the daughter and the husband as temporary co-guardians of the person and the daughter as temporary guardian of property.</p>	<p>The couple resided in Virginia for three years and thus it would be the home state under the Act. However, there was no filing in Virginia. New Jersey clearly was a significant connection state, and could thus have had</p>

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				<p>The husband challenged the court’s jurisdiction and sought appointment as the guardian. The trial court found that the move to Virginia did not affect the New Jersey domicile and that New Jersey was the appropriate forum to determine the guardianship. The court appointed the daughter, and the husband appealed, challenging the jurisdiction. The appellate court concluded that Floretta had more ties with New Jersey than Virginia, and named New Jersey as her domicile.</p> <p>Human Face: Floretta, an elderly woman with serious health problems, had a close relationship with both her daughter and husband, but differences arose between them. These differences were exacerbated by the lengthy guardianship proceeding, including the jurisdictional issue.</p>	<p>jurisdiction without the lengthy determination of domicile. Adoption of the Act might have facilitated a more timely resolution of the jurisdictional issues.</p>
Jurisdiction	<i>Trambarulo v. Whitaker</i> , 2007 WL 3038792 (Conn. Super. (not reported in A. 2d)	NJ; DE	CT	<p>Case Summary: Maydelle Trambarulo was a resident of New Jersey for close to 50 years, and then lived in Delaware one year. She went to Connecticut for medical treatment, where husband’s niece filed for conservatorship, and a permanent conservator was appointed. Connecticut probate court declined to allow her to return to New Jersey. Connecticut appellate court found Trambarulo had no intent to establish domicile in Connecticut and reversed, ordering that arrangements be made to transfer the guardianship to an appropriate individual or entity in New Jersey; and ordering that she be permitted to leave Connecticut.</p> <p>Human Face: Maydelle Trambarulo, age 77, was in deteriorating health, with Parkinson’s disease. She traveled to Connecticut in 2004 with intent to receive treatment only, and packed for a short stay. Her husband and two of her children were in New Jersey; and her son in Delaware. She was not</p>	<p>Under the Act, New Jersey would be a significant connection state. The Connecticut court could have declined jurisdiction because New Jersey is a more appropriate forum and because of the unjustifiable conduct of the niece. Thus, the incapacitated person would not</p>

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				allowed to leave the state until the appellate court order in 2007, when she was under hospice care. During that time, the probate court denied the family's various requests for relief.	have been trapped in Connecticut for an extended period.
Jurisdiction	<p><i>In the Matter of the Guardianship of Loyce Juanita Parker</i>, 189 P.3d 730 (2008)</p> <p><i>In the Matter of the Guardianship of Loyce Juanita Parker</i>, 275 S.W. 3d 623 (TX App. 7th Dist. 2008)</p> <p><i>In Re Alvin Edward Parker, Jr., Relater</i>, 2009</p>	OK OK OK	TX TX TX	<p>Case Summary: Loyce lived in Oklahoma for most of her life but resided near her daughter in assisted living in Texas for several months, while awaiting an opening in assisted living in Oklahoma. The feuding daughter in Texas and son in Oklahoma filed numerous motions that resulted in four reported cases.</p> <ul style="list-style-type: none"> • Daughter filed for guardianship in Texas, and son in Oklahoma opposed, arguing that her permanent domicile was in Oklahoma. • Son moved mother to Oklahoma and petitioned Oklahoma court for guardianship. Oklahoma court appointed son as special guardian and he filed for permanent guardianship. Son applied for appointment in Texas court as well. • Texas court granted daughter temporary guardianship and ordered son to return mother to Texas. Loyce Juanita Parker refused to leave Oklahoma. • Oklahoma court held hearing on permanent guardianship for daughter, limiting scope of hearing to jurisdiction. Mother testified that she considered Oklahoma her home. Oklahoma court granted son a restraining order against daughter's removal of mother from state. Daughter initiated emergency application to Oklahoma Supreme Court. • Meanwhile, Texas court held son in contempt, and issued a Writ of Capias directing sheriff to take son into custody. Texas court appointed daughter permanent guardian. 	Under the Act, the home state would be Oklahoma, as the stay in Texas was temporary. Texas could have declined jurisdiction based on presence alone and based on the unjustifiable conduct of the daughter. The Act would have facilitated resolution of the jurisdictional question and promoted judicial cooperation, avoiding the two years of intensive litigation.

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	<p>Tex. App. LEXIS 3954 (TX Ct. App. 7th Dist., Amarillo 2009)</p> <p><i>Alwin Edward Parker, Jr., Trustee of the Alwin Edward Parker, Sr., and Loyce Juanita Parker Trust v. Linda Sue Jones</i>, 2009 U.S. Dist. LEXIS 102195 (U.S. Dist. Ct., W. Dist. OK 2009)</p>	OK	TX	<ul style="list-style-type: none"> • Oklahoma trial court held that it had jurisdiction of the guardianship because mother's domicile was Oklahoma. • Oklahoma Supreme Court assumed jurisdiction and ordered trial court to decide on daughter's motion to dismiss, which trial court denied. Oklahoma Supreme Court granted daughter's motion for emergency stay, allowing hearing on jurisdiction to proceed in Oklahoma trial court but staying hearing on general guardianship. Physician stated mother did not have capacity to change her domicile to Texas. Oklahoma trial court held it had jurisdiction. • At hearing in Oklahoma, counsel for son advised court that daughter came to the Oklahoma assisted living facility during the night, removed mother during the shift change, and drove her to Texas where she has been ever since. • Oklahoma trial court appointed son guardian, and daughter appealed. • Oklahoma Supreme Court said Oklahoma trial court's order appointing son special guardian should have precluded Texas from proceeding with daughter's guardianship application because it was first judgment and should have been given full faith and credit. <u>Oklahoma Supreme Court said Texas trial court did not have jurisdiction</u>, as mother's property was all in Oklahoma, and she has resided in Oklahoma, as her stay in Texas was temporary. • An attorney for Loyce Juanita Parker on her behalf appealed the Texas trial court's decision appointing daughter as guardian, on basis of lack of jurisdiction as well as insufficiency of finding of incapacity. <u>The Texas appellate court affirmed appointment of daughter, stating that Texas had jurisdiction</u> and that the trial court did not abuse its authority. 	

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				<ul style="list-style-type: none"> • Following this, the son filed in Texas Appeals Court for a writ of prohibition to stop the trial court from vacating the Oklahoma order. The court, stating that it already had affirmed the lower court on the issue of jurisdiction and thus there was no case pending, dismissed the petition. • Finally, in the fourth reported decision in the long-running dispute between the siblings, the son filed actions in Oklahoma for breach of trust and recovery of attorney’s fees against daughter, and sought order for the return of Loyce Juanita Parker to Oklahoma. Daughter removed the case to federal district court, and filed motion to dismiss. Federal court granted motion, finding there was no breach of the trust; and that it lacked subject matter jurisdiction due to “Rooker-Feldman doctrine” which prevents lower federal courts from exercising jurisdiction over cases brought by state court losers challenging state court judgments before the district court proceedings commenced. <p>Human Face: Loyce was an elderly incapacitated woman caught between two feuding adult children. She temporarily left her lifelong home state of Oklahoma to stay for a short period in Texas; was taken back to Oklahoma; and again taken to Texas. Meanwhile, during the course of two years, competing battles were waged in Texas and Oklahoma courts, and finally federal court, with multiple attorneys and experts and dozens of separate motions to be considered by the courts. Loyce Juanita Parker remains in Texas, despite stating that she wants to “go home” to Oklahoma, and despite the fact that all of her property is in Oklahoma.</p>	
Jurisdiction	<i>In Re Helen</i>	PA	OH	Case Summary: Helen was an elderly Pennsylvania resident who fell in her	Under the Act,

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	<i>Riva Guardianship</i> , 2006 WL 3020316 (Ohio Ct. App. 2006)			<p>home and had surgery for subdural hematoma. Son from Ohio had her placed in Ohio nursing home, petitioned for and was appointed guardian by Ohio court. Helen challenged the appointment, and the trial court found a continuing need for guardianship. A year later, Helen petitioned the court to terminate the guardianship and allow her to relocate back to Pennsylvania, arguing lack of in personam jurisdiction. Court denied her motion. Appellate court found she had waived her jurisdictional argument, and found the trial court did not abuse its discretion in denying the motion to relocate.</p> <p>Human Face: Helen faced trauma in her fall, surgery, and relocation to a nursing home and to another state. Her home was in Pennsylvania, and there may have been more evidence of her wishes and values in that state.</p>	Pennsylvania would be the home state. The Ohio court could have declined jurisdiction on the grounds that Pennsylvania was a more appropriate forum -- where the respondent could have access to evidence to support her case.
Transfer	<i>Hetman v Schwade</i> , __S.W.3d__, 2009 Ark. 302, 2009 WL 1423417 (Ark.)	PA	AR	<p>Case Summary: Jean Hetman filed a petition for emergency guardianship of her mother, Ms. Vicari, in Pennsylvania. The Pennsylvania court appointed Hetman and her sister Annamarie Schwade as co-guardians of Vicari’s person and estate. Hetman placed Vicari in care facilities in Pennsylvania and New Jersey from 2000 to 2006. In 2006, Schwade removed the mother to Arkansas and filed for appointment as guardian in the Arkansas court. Hetman filed in Pennsylvania to become sole guardian. Schwade countered, asking the Pennsylvania court to appoint her as sole guardian and transfer jurisdiction to Arkansas. In 2007, the Pennsylvania court terminated Hetman’s guardianship and made Schwade sole guardian, transferring jurisdiction to Arkansas. The Arkansas court accepted the case. Hetman objected to Schwade’s petition for accounting in Arkansas that alleged inappropriate expenditures; and Hetman argued that the Arkansas court</p>	Under the Act, provisions are made for transfer of guardianship cases, with procedural safeguards. While the guardianship in this case was “transferred” from Pennsylvania to Arkansas, the transfer did not include an opportunity for

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				<p>lacked jurisdiction over matters that took place in the Pennsylvania proceeding; and that the Arkansas court had no authority to order a non-Arkansas guardian to file an accounting. The Arkansas court found that since Hetman had personally appeared by filing pleadings, it had jurisdiction and ordered the accounting and documents. Hetman appealed.</p> <p>The Supreme Court of Arkansas reversed, finding that while the lower court had both subject matter jurisdiction over guardianship and personal jurisdiction over Hetman, under common law principles a foreign guardian could only be held to account in the state in which the guardian was appointed.</p> <p>Human Face: In this case, acrimony and suspicion developed between two sisters over matters concerning guardianship of their mother, particularly the nature of expenditures in the estate. A more timely resolution of this issue would have prevented unnecessary litigation expenses and brought the matter to a more expeditious conclusion.</p>	<p>objection. Under the Act, Schwade could have objected to the accounting in both the Pennsylvania proceeding to transfer the case and the Arkansas proceeding to accept the case, and this would have brought it to the attention of the courts in a timely fashion.</p>
Jurisdiction	<i>In re Conservatorship of William Paul Ackerman</i> , 280 W.W.3d 206 (2009)	TN	KY	<p>Case Summary: William Paul Ackerman lived most of his life in Tennessee. He suffered strokes and became a patient of a Tennessee nursing home. Following this, he was married in Kentucky, honeymooned in Florida, and then suffered another stroke before returning to the Tennessee nursing home. Mr. Ackerman’s brother, sister and son were appointed co-conservators of his person and property by county probate court in Tennessee. The wife appealed, arguing that the Tennessee court lacked jurisdiction, as he was a resident of and domiciled in Kentucky, where the couple was married. The Court of Appeals found that domicile was necessary for guardianship</p>	<p>Under the Act, Tennessee would be the home state. The court could have avoided inquiry into domicile, and resolved the case more expeditiously.</p>

UAGGPJA Issue	Case	First State Involved	Second State Involved	Case Summary; Human Face	UAGPPJA Resolution
				<p>jurisdiction, and that Mr. Ackerman was domiciled in Tennessee, where he had the closest ties, and that he lacked capacity to change his domicile. The judgment of the trial court was affirmed.</p> <p>Human Face: Mr. Ackerman was a long-time professional staff drummer for recording studios in Tennessee. His brief sojourn in Kentucky when he was married does not compare to his lifetime ties in Tennessee, where jurisdiction should be exercised.</p>	
Jurisdiction	<i>Guardianship of Armando Garcia Cardenas</i> (2010 WL 2543650, Tex.App.—Corpus Christi	TX	M E X I C O	<p>Case Summary: The son of Mr. Cardenas filed a petition in the Cameron County TX court to appoint himself as temporary guardian of his father, who lived in Mexico. The son claimed that Mr. Cardenas’ assets had been expropriated by his two daughters. The son tried to serve his sisters with notice but they could not be found. A U.S. attorney representing a Mexican attorney -- who in turn represented Mr. Cardenas – made a special appearance objecting to the trial court’s jurisdiction. The attorney asserted that Mr. Cardenas lived in Mexico, and had never been a resident of or domiciled in Texas. The trial court found that Mr. Cardenas was domiciled in Mexico, that his contacts with Texas were attenuated, and that the court lacked jurisdiction. The court of appeals affirmed.</p> <p>Human Face: Mr. Cardenas was an 84-year-old Mexican businessman dealing with various physical and mental health issues. While the proceeding was pending, his wife died. He had to hire a Mexican attorney, and the attorney then had to identify a U.S. attorney to make an appearance in court to object from afar to the court’s jurisdiction.</p>	Under the Act, Mexico would be the home state, and the extended consideration concerning domicile and jurisdiction could have been avoided, sparing the alleged incapacitated elderly person anxiety and expense over the lengthy proceedings.

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Transfer	<i>In the Guardianship of Billy Wayne Norris</i> , 2010 WL 26314 (Tex. App.-San Antonio)	TX	LA	<p>Case Summary: The two adult children of Billy Wayne Norris each filed for guardianship of the father in different states. The son, Norris, was appointed in Texas and the daughter, Allen, in Louisiana. The father lived in Texas but most of the property was in Louisiana. Allen appealed the Texas decision, and then filed a motion asking the Texas court to remove Norris. The Texas probate court gave full faith and credit to the Louisiana order, removed Norris as guardian of the estate, dismissed all pending litigation for lack of jurisdiction, and transferred the guardianship to Louisiana. Although the incapacitated person died, Allen asserted that her appeal was not moot because the Texas order was conditioned on acceptance by the Louisiana court of the transfer. The appellate court found that there was evidence that the Louisiana court was exercising jurisdiction, as it had appointed an administrator of the estate, and thus the appeal was moot.</p> <p>Human Face: Lack of an orderly transfer process caused the parties and the court to unnecessarily prolong the case, and thus the acrimony between the siblings.</p>	Under the transfer provisions of the Act, a petition to transfer could have been filed in both courts, and after an opportunity to hear any objections, Louisiana as the receiving state could accept the case, and Texas as the sending state could close it. The Louisiana court could make any needed modifications within 90 days.
Jurisdiction	<i>In Re Adline Uwazih</i> , 822 A.2d 1074 (D.C. Ct. App. 2003)	VA & N I G E R I A	DC	<p>Case Summary: Ms. Uwazih, a citizen of Nigeria who earlier had been admitted to the United States as a result of an immigration lottery, was struck by a car in Virginia (where she was residing at a relative’s home) and hospitalized in DC. Her husband in Nigeria and her relative in Virginia refused to take her from the hospital because they could not provide adequate care for her. Ms. Uwazih petitioned the DC court to appoint a guardian and conservator for her. The hospital moved to dismiss the lawsuit. The DC court dismissed the suit on the ground that Ms. Uwazih neither was domiciled nor owned property in DC. Ms. Uwazih appealed. The appellate court</p>	Under the Act the home “state” may have been Nigeria, or Virginia, depending on the period in which she was present there. Presence in DC would not afford

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				<p>concluded that the language of DC’s guardianship law only required that Ms. Uwazih be present in DC to be eligible for a guardian; and that there was no basis for appointing a conservator as Ms. Uwazih did not own any property in DC.</p> <p>Human Face: Respondent was from Nigeria, temporarily living in Virginia, when she was struck by a car and was treated for a brain injury in a DC hospital for six months. She would require ongoing assistance, and her counsel sought a guardian and conservator to make decisions about discharge and placement. Hospital worked with the Nigerian embassy to arrange for her return. Key issue was domicile of Ms. Uwazih and whether her attorney had manufactured diversity to enable her negligence lawsuit in Virginia to be filed in the federal court.</p>	<p>jurisdiction. However, there were no competing petitions outside of DC, and DC may be an appropriate forum if was in the respondent’s best interests.</p>
Jurisdiction	<i>In Re Guardianship and/or Conservatorship of Millicent S. Ficken</i> , Minn. Ct. App. A07-1848 (2008), unpublished opinion	WI	MN	<p>Case Summary: Millicent Ficken was a resident of Wisconsin. She visited her two adult children in Minnesota, and was hospitalized there and diagnosed with dementia. Son petitioned Minnesota court for emergency guardianship and conservatorship, and the court appointed a professional fiduciary. At the hearing for the permanent order, the parties reached a stipulated agreement to avoid guardianship through the use of a care management contract and trust. Emergency guardianship was to be continued until the plan was in place, and the agreement was to be incorporated into stipulated court order. Minnesota district court approved the agreement, but disputes arose about implementation. The professional fiduciary petitioned for enforcement, and the son sought to void the agreement based on lack of jurisdiction. The court found it had jurisdiction over guardianship and conservatorship proceedings under Minnesota law. Daughter appealed. At</p>	<p>Under the Act, Wisconsin would be the home state, and the Minnesota court could have declined jurisdiction as Wisconsin is a more appropriate forum. The extended litigation could have been avoided.</p>

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				<p>issue was the conservatorship jurisdiction over property, not the guardianship jurisdiction over person. The appellate court said there was no jurisdiction in Minnesota, as there was no property in the state; and that Wisconsin was the proper forum for a conservatorship proceeding.</p> <p>Human Face: Millicent Ficken was a 75-year-old resident of Wisconsin who visited her adult children for Thanksgiving, had a medical emergency while there, and became the subject of an extended guardianship and conservatorship proceeding in Minnesota, even though her home, connections (except for her children) and property were in Wisconsin.</p>	
Transfer	<i>In the Matter of the Guardianship and Protective Placement of Catherine P.</i> , 718 N.W.2d 205 (Wis. Ct. App. 2006)	WI	CT	<p>Case Summary: Daughter, Connecticut resident, filed in Wisconsin to become guardian of mother, Catherine. Son objected, but after extensive hearings, Wisconsin court appointed daughter as guardian of person, and specified Catherine’s living arrangements in Wisconsin, Florida and Connecticut. After hospitalization, Catherine went to a Wisconsin nursing home. Without notice to court or anyone else, daughter removed Catherine from Wisconsin nursing home and placed her in assisted living in Connecticut. Daughter filed petition to become guardian (“conservator”) in Connecticut, and Connecticut court appointed her as temporary guardian. Wisconsin court conducted hearing on her transfer. Son moved for removal of daughter as guardian in Wisconsin court. Wisconsin court removed daughter as guardian, daughter appealed, and son cross-appealed, arguing that guardian cannot transfer a ward outside state without court approval. Appellate court concluded that Wisconsin law did not authorize daughter to move Catherine out of state. Court cited <i>Jane E.P</i> and National Probate Court Standards requiring court permission and notice. Removal affirmed.</p>	The Act would govern the transfer procedures, providing for notice and hearing, expediting the process while providing opportunity for all to be heard.

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				<p>Human Face: Catherine was an elderly incapacitated person in the middle of a hostile relationship between her son and daughter. She was precipitously moved to another state where she said she felt like “a stranger in a strange land.” Yet moving her back presented possibility of further trauma. Numerous motions, court hearings, appointment of a guardian ad litem, independent evaluator, psychologist and counsel over a four-year period consumed vast resources and time.</p>	
Jurisdiction; recognition	<i>In Re: Shelda Jean Robinette</i> , 624 S.E.2d 533 (W. Va. 2005)	WV	OH	<p>Case Summary: Shelda had resided in both West Virginia and Ohio all her life, but in West Virginia since 2001; and had property in both states. At daughter Kathy’s request, the Ohio court appointed an attorney as guardian and conservator. Other daughter Carla later filed a petition in West Virginia, and the court appointed her to serve as guardian/conservator. Kathy filed a petition in West Virginia court for modification, not challenging the appointment but requesting a modification to establish a “shared custody” arrangement. West Virginia circuit court denied the modification, and Kathy appealed. Supreme Court of Appeals of West Virginia affirmed the circuit court’s appointment of Carla as guardian; but found that Shelda’s property and assets in Ohio were more likely to be efficiently managed for her benefit by the existing Ohio conservator, and remanded the case for this modification.</p> <p>Human Face: Shelda was “an elderly woman who is no longer capable of making complicated decisions about her own welfare.” The two daughters had “a stormy relationship” which was played out in the circuit court and court of appeals litigation.</p>	There were two competing proceedings in two states, with significant connections and property in both states. The Act would promote communication between the courts. The Ohio conservator could register and be recognized in West Virginia, but judicial communication would be necessitated.