

Multi-State Guardianship Jurisdiction Stories
Supporting Need for the *Uniform Adult Guardianship and*
Protective Proceedings Jurisdiction Act (UAGPPJA),
Sorted by Second State Involved

American Bar Association Commission on Law and Aging
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| UAGPPJA Issue | Problem | First State Involved | Second State Involved | Summary of Facts | How the Act Could Help |
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| Transfer | Need for guardianship transfer | VA | AK | Wife was appointed Virginia guardian of her severely disabled husband while she was attending school for several years in Virginia. Both were previously Alaska residents. When she completed her degree in Virginia, she wanted to move her husband back to Alaska and have authority to act as his guardian in Alaska. | The Act sets out a procedure for the fair and expeditious transfer of a guardianship, thus avoiding the need to re-litigate the case and saving family and court resources. |
| Jurisdiction | Incapacitated person wants to go home; gets lost | AZ | AL; GA | Alleged incapacitated person lived in Alabama, and visited adult child in Arizona. Child wanted to file for guardianship in Arizona, but parent was opposed and wanted to go home. Parent got on a plane for Alabama but ended up in a psychiatric ward in Georgia. Atlanta hospital agreed to release the person to the child’s “custody.” Child’s lawyer seeks advice on where to file. | The Act would specify Alabama as “home state,” in which a petition could be filed – unless there was an emergency, in which case if parent was present in Arizona, filing could be there. The Act provides clear guidance to lawyers and judges, thus saving family and court resources. |

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| Recognition | Snatch for marriage across state lines | KY | AR | In Kentucky, mother filed for and obtained guardianship of adult son with intellectual disabilities. Son met a woman with intellectual disabilities online. Woman lived with her mother and family in an Arkansas group home. Woman's mother drove to Kentucky and brought the son to Arkansas where he married her daughter. Son's disability check was diverted to group home. Son's mother unable to retrieve him from Arkansas. | Under the Act, the mother could register in Arkansas and her authority as guardian would be recognized, allowing her to retrieve her son in Arkansas. |
| Recognition; Transfer | Another out-of-state placement by adult protective services | MT | CA | Montana adult protective services staff placed an individual in a California nursing home. A Montana court appointed a Montana family member as guardian, with the request that the family member follow up in California. The family member failed to follow up in seeking a California order. However, the nursing home nonetheless recognized the Montana guardian. | Under the Act, the Montana guardian could register and be recognized in California without the need to seek a California order, saving family and court resources. |
| Jurisdiction | Interstate snatch by son | NJ | CA | Father and son lived together in New Jersey, and the father seemed happy with the arrangement. While the son was preparing a guardianship petition, the other son from California suddenly flew in and took the father -- without the brother's knowledge or permission -- to California. The New Jersey son sought the immediate return of his father. | Under the Act, the home state is New Jersey, and the California brother, who engaged in unjustifiable conduct, could not obtain jurisdiction in California. Son in New Jersey could be appointed guardian, with authority to seek father's return. Moreover, a California court could cooperate in any proceedings considering the return of the father to New Jersey. |

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| Jurisdiction; Transfer | Anticipated move of parents | NM | CA | Parents with dementia in New Mexico have an adult child in California who plans to move the parents to California to be closer to family. Parents will not voluntarily move. Adult child inquires whether California has a procedure to recognize out of state guardianships or transfer from New Mexico to California. | Under the Act, home state would be New Mexico. Adult child could file for guardianship in New Mexico court; and the parents would have opportunity to object and access to available evidence and contacts in New Mexico. If child was appointed guardian, Act provides procedures for recognition and if necessary for transfer to California, with opportunity for objection by parents or other parties. |
| Transfer | Need conservatorship transfer | OR | CA | An incapacitated person was under conservatorship in Oregon. The person was moved to a skilled nursing facility in California. The conservator in Oregon wants to transfer the conservatorship to California, and inquires about the need to dissolve the Oregon conservatorship and then petition for a California conservatorship. | The Act sets out a fair and expeditious procedure for transferring the conservatorship from Oregon to California. |
| Recognition | Brother took mother across state lines | WA | CA | A son in Washington was agent under power of attorney for his mother. The brother from California appeared and took the mother to California. He said he would not be returning her to Washington. The son in Washington filed an adult protection action in Washington court. The brother countered with a guardianship petition in the Washington court. The Washington court ordered the return of the mother. The first son was | If the Washington son eventually was appointed as guardian, he could register and be recognized in California, facilitating actions for return of the mother. |

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| | | | | prepared to secure counsel in California to obtain a writ of Habeas Corpus, but the brother complied with the court order to return the mother | |
| Recognition | “Family friend” sends mom across borders | VA | CA; Germany | A mother with Alzheimer’s disease lived in Virginia. A “family friend” began exploiting and isolating her. The son filed a petition for guardianship and conservatorship in Virginia court, and two days later the family friend took the mother and fled the state, stopping in Tennessee to marry her, and proceeding to California.. The Virginia judge appointed the son as guardian and conservator, and the son flew to California to get the mother. He found that the family friend had sent the mother to her native homeland of Germany, where she had relatives. The family in Germany believed the story of the “family friend” and refused to send her back. Authorities in Virginia, California and Germany “k(ept) pointing the finger at the others regarding jurisdiction.” | Under the Act, Virginia would be the home state; and if any proceeding were filed in California, the California courts could recognize Virginia’s jurisdiction and could communicate and cooperate with the Virginia court. While the Act provides for recognition and registration, this section of the Act does not apply internationally, but could offer a good model. [However, the Hague Convention on the International Protection of Adults would apply if adopted in Germany and the U.S.] |
| Recognition | Authority of out-of-state guardian/conservator needs to be recognized for sale of real property | WA | CO | A family guardian/conservator was appointed for aunt in Washington State by Washington court. Guardian needed to sell aunt’s real property in Colorado, but the guardian’s authority was not recognized. The guardian was required to re-litigate the entire case, at great expense. | Under the Act, the guardian/conservator could register and be recognized to sell property in Colorado, without going through a new proceeding, thus saving family and court resources. |

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| Transfer | Daughter needs to transfer conservatorship | CA | CT | Daughter in California sought and obtained conservatorship over mother in Connecticut, after battle with brother. Brought mom to California and had to petition all over again, following California Code. Brother flew out to California to contest. | Act provides transfer procedures allowing the daughter efficiently to transfer the Connecticut conservatorship to California without the need to re-litigate the case. The brother would receive notice in both the Connecticut and California transfer proceedings and could participate in either. The Act provides clear guidance to lawyers and judges, thus saving family and court resources. |
| Jurisdiction | Incapacitated individual taken across international borders and held | Germany | CT | German woman was brought to Connecticut by distant relative, and probate court approved a conservatorship that kept her in the state against her will, severing connections with her family and friends in Germany. German relatives flew to Connecticut to seek her return. | Under the Act, Germany would be the “home state.” Connecticut court could decline jurisdiction on basis that Germany is a more appropriate forum or that unjustifiable conduct may have been involved in the Connecticut filing. |
| Jurisdiction | Daughter takes mother across state border to assisted living | MI | CT | Woman age 85 with seven adult children lived in Michigan with daughter. Two other daughters moved her to a Connecticut assisted living facility, and one filed for and was appointed temporary conservator (guardian) of the person in Connecticut court. Other children objected. Individual said she wanted to go home to Michigan. Connecticut judge named non-family conservator and appointed guardian ad litem to investigate. After lengthy court battle, Connecticut judge approved her move to a | Under the Act, Michigan would be home state or significant connection state if there had been a filing in Michigan court. The Connecticut court could have declined jurisdiction on the grounds that Michigan is the home state or is a more appropriate forum, or that unjustifiable conduct may have occurred. |

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| | | | | Michigan assisted living facility, and recommended that the Michigan court appoint a non-family guardian. | |
| Jurisdiction | Elder hospitalized during out-of-state visit, and forced to stay | NY | CT | Eighty-six year old New York man became ill while visiting daughter in Connecticut, and was hospitalized. Connecticut probate court appointed non-family conservator, who kept him in a Connecticut nursing home until Connecticut Superior Court intervened, calling the case “a terrible miscarriage of justice.” | Under the Act, New York would be home state. Connecticut court could have declined jurisdiction on grounds that New York is more appropriate forum. |
| Jurisdiction | Mother in nursing home needs to move closer to family | SC | DC | Mother lives in South Carolina nursing home, with no relatives nearby. Client and other family members want to move the mother to Washington, DC to be closer to family. Nursing home refuses to release her. The client wants to know in which jurisdiction to file for guardianship. | Under the Act, South Carolina would be the home state, and client should file there. The Act’s clear guidance on where to file saves family and judicial resources. |
| Transfer | Lack of transfer procedure | AL | FL | Mother in Alabama was guardian for adult son with intellectual disabilities. She wished to move to Florida. The question was how to accomplish the transfer of the guardianship, as neither state had law on the subject. "The problem was that Alabama took the position that as soon as Florida established a guardianship and conservatorship, Alabama would close its guardianship/conservatorship. Florida took the position that as soon as Alabama | The transfer could be accomplished expeditiously and fairly through the Act’s dual procedures in the transferring court and the receiving court. The Act provides clear guidance to lawyers and judges, thus saving time, as well as family and court resources. |

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| | | | | closed its guardianship/conservatorship, Florida would consider the petition to open a Florida guardianship/conservatorship. I [the guardian ad litem], convinced the two judges the only real world solution was to have the two judges talk to each other by telephone and reach a one-time solution." | |
| Jurisdiction | Courts of two states confine mother away from home | NC | FL | A daughter cared for her mother in North Carolina. The brother lived in Florida. A North Carolina court appointed a professional guardian in Florida and ordered that the mother be moved to a Florida facility. The daughter appealed in North Carolina, and the decision to send the mother to Florida was reversed, but upon remand the trial court did not honor the reversal. A Florida court also appointed the Florida professional guardian and did not hear the daughter's testimony. The litigation was draining the estate. | Under the Act the home state would be North Carolina. The Florida court could have recognized North Carolina's jurisdiction to appoint a guardian, thus avoiding a hearing and appointment in Florida and saving family and court resources. |
| Jurisdiction | Out-of-state guardian and lawyer depletes estate | NY | FL | A father lived and built a business in New York. A stroke caused dementia. A distant cousin lured him to Florida, where a guardianship agency and a lawyer rapidly depleted the estate before the New York daughter intervened. | Under the Act, New York would be the home state. The Florida court could have declined jurisdiction because it is not an appropriate forum and because the cousin engaged in unjustifiable conduct to lure the father away. |
| Jurisdiction | Lured out of state and held there | TX; MN | FL | Woman spent winters in Florida and summers in Minnesota, but after | Texas or Minnesota could be the "home state" where a petition should |

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| | | | | <p>husband's death lived in Minnesota year-round, then moved to Texas to live with her sister. Woman's daughter enticed her to come to Florida, and filed for guardianship. Florida judge appointed lawyer as guardian in Florida, and woman has not been able to return to Texas.</p> | <p>be filed, depending on the length of time she had been present in either state. Respondent may not have any significant connections in Florida except for the daughter, who may have engaged in "unjustifiable conduct." Under the Act, the Florida court could determine that it is not an appropriate forum – or it could stay the proceeding until a petition is filed in Minnesota or Texas. The Act might prevent the daughter from using her mother's presence in Florida as a basis for petitioning in that state, and the mother could have returned to Texas. The Act provides clear guidance to lawyers and judges, thus saving family and court resources.</p> |
| Jurisdiction | <p>After incapacitated person moves, guardianship in home state is not recognized in second state.</p> | Unknown | FL | <p>Two elderly sisters lived together and had similar estate plans. They had jointly held assets. When the first sister died, the second sister was surrounded by other siblings who sought to move her to Florida. The court in the home state appointed the siblings as co-guardians, with the agreement that although the home state would retain jurisdiction, the woman could travel to Florida. The woman moved to Florida and all assets were transferred to the other siblings. The Florida court did not recognize the agreement in the original order in the</p> | <p>A Florida court could have recognized that the home state is the appropriate forum to retain jurisdiction, and could have allowed the home state court, with the evidence and records, to review the guardianship.</p> |

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| | | | | home state, and found the court in the home state did not have authority to review the guardianship. | |
| Transfer | Conflict over out-of-state move | VT | FL | A married couple lived in Vermont. The husband had Alzheimer's disease. The wife was appointed as guardian in Vermont. Conflict developed between the wife and the husband's brother. The husband and wife relocated to Florida with her relatives. The brother brought a motion in Vermont court to have the wife replaced as guardian and to return the husband to Vermont. | Under the Act, the wife could bring a procedure for transfer of the guardianship from Vermont to Florida. Vermont would be the transferring court and Florida would be the receiving court. The procedure would provide an opportunity for the husband's brother to object, and his objections would be heard. |
| Jurisdiction | Out-of-state "bad son" causes problems | TX | ID | A widow was a life-long resident of Texas. Three of her adult children also lived in Texas. A fourth child, who lived in Idaho, began exploiting the mother. A Texas judge appointed a temporary guardian of the mother's estate. The Idaho son took the mother to Idaho. The mother filed documents in Idaho asking that the Idaho son be appointed her guardian. The Texas judge found he had jurisdiction over the case and that the issue should be resolved in Texas. The mother filed an appeal to abate the Texas proceeding. Fees for the case were substantial. | Under the Act, Texas would be the home state, and Idaho could recognize the jurisdiction of the Texas court. Moreover, in determining whether it was an appropriate forum to hear the case, the Idaho court would consider whether the son had engaged in abuse and exploitation and was seeking jurisdiction through unjustifiable conduct |
| Jurisdiction | Competing petitions of parents in two | CA | IL | Adult son with Downs Syndrome lived in California with mother. Father in Illinois filed guardianship petition in Illinois after | Act would identify California as "home state" in which petition should be filed, avoiding the expense |

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| | states | | | son had visited in Illinois for three weeks, and isolated son from mother. Illinois court dismissed the petition, based on lack of jurisdiction; and father appealed. Mother filed for conservatorship of person and estate in California. California judge refused to grant mother conservatorship, as appeal in Illinois was pending. After eight months and \$200,000 in legal fees, mother was appointed under Illinois guardianship, and son was returned home to California. | and time of the competing processes in two states. Judges could communicate about case and best interests of adult son. The Act provides clear guidance to lawyers and judges, thus saving family and court resources. |
| Recognition | Lack of recognition of out-of-state guardian | CO | IL | Daughter in Colorado filed in Colorado court and was appointed guardian of father in Illinois. Father had behavioral issues and placement was difficult, but he was finally accepted at a nursing home in Illinois. Later, the daughter failed to submit required reports to the Colorado court, and a Colorado agency was appointed guardian. The guardian was told (at least at one point) that the state of Illinois did not recognize the Colorado guardianship. No one was willing to petition in Illinois due to the cost. | The Colorado guardian could register in Illinois and be recognized, thus saving resources of the family and court. |
| Transfer | Transfer “catch-22” situation | OH | IN | Daughter in Ohio was appointed guardian of her mother by Ohio court. Daughter could no longer care for mother, and mother moved in with son in Indiana. The son cared well for mother but had to answer to sister as guardian so he petitioned for guardianship in Indiana. | The Act provides a fair and expeditious transfer procedure with specific steps for the transferring court and the receiving court. These procedures could avoid the need to re-litigate the case, and could provide an opportunity for input by both the |

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| | | | | Indiana court could not consider guardianship petition because there was an existing guardianship in Ohio so it was a Catch-22 situation that engendered hostility between the siblings. | son and daughter. |
| Transfer | Planned out-of-state move | MD | IN; CA | Primary caregiver for Maryland ward is moving to Indiana. Consultation with all family and staff of Indiana nursing home finds it in best interest of ward to live in Indiana near caregiver. Guardian is in California. Lawyer inquires about possible transfer procedure. | California guardian/conservator could file for transfer of guardianship to Indiana. The Act could facilitate timely and efficient transfer with clear procedures in courts in both states, saving family and court resources. |
| Recognition | Out-of-state placement by adult protective services | MT | KS | Montana adult protective services staff placed an individual in Kansas. The Montana APS staff worked closely with the facility, family and Medicaid to ensure the move was appropriate. The Montana APS staff sought a Kansas guardianship but ended up having a Montana family member appointed as guardian by a Montana court. The Kansas court recognized the Montana order and stated it would monitor the annual reports. | Under the Act the Montana guardian could register and be recognized in Kansas, saving family and court resources. |
| Jurisdiction | Elderly Katrina victim moved to different state | CA | LA | California daughter was visiting mother in Louisiana when Hurricane Katrina hit. She brought mother to California and needed to obtain conservatorship, but because mother had resided in Louisiana the daughter anticipated a jurisdictional problem. | Under the Act, Louisiana would be the “home state” where the petition should be filed. However, the Act also would enable the California judge to determine that there was no petition pending in Louisiana and that, given the situation, California |

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| | | | | | would be the more appropriate forum. The Act provides clear guidance to lawyers and judges, thus saving family and court resources. |
| Jurisdiction | Sibling takes mom across state border | VA | MD | An elderly woman lived in a continuing care retirement community in Maryland. She had three children, two of whom lived in Maryland and one in Virginia. The woman began to experience problems with living on her own because of cognitive impairments, and a move to the assisted living part of the retirement community was considered. The Virginia child became enraged at this, and took the mother to Virginia, thwarting all efforts of the Maryland children to communicate with her. The Maryland children filed for guardianship in Virginia court and were appointed co-guardians. During a court-ordered visit to Maryland, the Virginia court ordered the return of the mother to Maryland, where she has since remained. The Maryland children fear the Virginia sibling will again try to interfere. (The Virginia court already had held the Virginia child in contempt for a prior infraction.) | Under the Act, Maryland would be the home state. The Virginia court could decline to exercise jurisdiction if it concluded Maryland was a more appropriate forum, and that the Virginia child had engaged in unjustifiable behavior. |
| Recognition | Need to sell real property in another state | VA | MI | A conservator was appointed for an incapacitated adult by a Virginia court. The conservator needs to sell the incapacitated person's property in Michigan. | Under the Act, the Virginia conservator could register and be recognized in Michigan to sell the Michigan property thus saving resources of the incapacitated and the |

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| | | | | | court. |
| Recognition | Hospital does not recognize out-of-state guardian | IL | MO | Mary was a ward of the Illinois Office of Public Guardian. She was admitted to an Illinois hospital for mental health treatment. She required and consented to electroconvulsive therapy (ECT), but the Illinois hospital could not provide the treatment, and transferred her to a hospital in Missouri. Missouri law requires court authorization for ECT. The Missouri court dismissed the application for ECT for lack of jurisdiction, saying the Illinois guardian did not have authority to place an incapacitated person outside of Illinois and the individual could not consent to voluntary treatment because she lacked the capacity to do so. | Under the Act, the Illinois guardian could register and be recognized in Missouri and could then seek court authorization for the ECT, saving family and court resources. |
| Recognition | Authority to sell farm | MD | MO | Maryland guardian asks whether she has authority to sell incapacitated person's farm in Missouri. | Maryland guardian could register and be recognized in Missouri to sell the farm, saving family and court resources. |
| Recognition | Lack of recognition for sale of home | ID | MS | A veteran with a disability was living in assisted living in Idaho. The facility administrator and her husband asked the veteran to join them in living in Mississippi. The veteran purchased home in Mississippi. After Hurricane Katrina, the veteran moved back to Idaho. The Department of Veterans Affairs office in Idaho petitioned for conservatorship, and a professional conservator was appointed. | Under the Act, the Idaho conservatorship could be registered and recognized in Mississippi, allowing the sale to go forward, which could have substantial financial benefit to the veteran. The Act provides clear guidance to lawyers and judges, thus saving family and court resources. |

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| | | | | The conservator sought to sell the Mississippi home and got an offer, but the bank denied the sale because the veteran was incapacitated and the Idaho conservator was not recognized in Mississippi. | |
| Jurisdiction; Recognition | Two daughters seek guardianship of mom | CA | NC | Two adult daughters, one in California and one in British Columbia, seek guardianship of mother in North Carolina; and inquire whether California will honor a North Carolina appointment. | Act would identify North Carolina as “home state” in which petition should be filed (assuming mother was not just there temporarily); and would allow a North Carolina appointment to be recognized in California. The Act provides clear guidance to lawyers and judges, thus saving family and court resources. |
| Jurisdiction | Snatch of an incapacitated person across state lines | OK | NC | Incapacitated person under guardianship in Oklahoma was taken without notice to North Carolina, where a new guardianship of estate was created. The individual was then “dumped” back in Oklahoma. Attorneys used RICO wire fraud provisions in the eventual restoration of the estate in Oklahoma. | Under the Act, the North Carolina court would recognize that Oklahoma is the home state, and consider the unjustifiable conduct of the person(s) who snatched the incapacitated person in determining whether North Carolina is an appropriate forum for the case. This would have mooted the need for the use of RICO in restoring the guardianship estate in Oklahoma. |
| Transfer | Guardian anticipates move of incapacitated person | MI | NE | A Michigan guardian was sending a ward to Nebraska for an extended vacation with family, and hoped for eventual guardianship for brother in Nebraska. Michigan probate judge advised guardian | The Act could facilitate expeditious transfer of the guardianship from Michigan to Nebraska, avoiding costly re-litigation and offering opportunity for objection by all |

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| | | | | to maintain appointment and stay in touch with family until there was a determination about the Nebraska guardianship. | parties. Nebraska court could substitute brother as guardian after case transfer if no objection. |
| Transfer; Recognition | Tri-state contacts and questions | WA | NE; CA | An incapacitated person in Washington moved to California to live with a grandson. The person had a Washington guardian of the estate, and had properties in Washington and Nebraska. | The Act provides an expeditious and fair procedure for transferring guardianship of the estate from Washington to California. The Washington guardian – or eventually the California guardian – could register in Nebraska and be recognized as having authority to manage the Nebraska property. |
| Jurisdiction | Jurisdiction at issue | MA | NH | Respondent in Massachusetts guardianship proceeding claims to be New Hampshire resident, and seeks to contest guardianship for lack of jurisdiction. Lawyer questions whether New Hampshire law would best protect respondent’s rights. | Facts may show that New Hampshire was the “home state” where the petition should be filed, in which case New Hampshire law would apply. The courts could determine whether New Hampshire or Massachusetts is the most appropriate forum. The Act provides clear guidance to lawyers and judges, thus saving family and court resources. |
| Transfer | Move to new state necessitates new guardianship | MO | NM | Woman lived in Missouri, and was under guardianship there. She moved to New Mexico and while there she became very ill. A new guardianship case was filed in New Mexico, and once a guardian was appointed, the guardian in Missouri was dismissed. The attorney comments that he has had similar cases involving | The Act provides a fair and expeditious procedure for transfer of guardianship, thus avoiding the need to re-litigate the case, and saving court and family resources. |

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| | | | | Arizona, California, Utah and Kansas. | |
| Transfer | Need for guardianship transfer | TX | NY | A profoundly mentally retarded individual under guardianship of a family member lived in Texas for many years. The family felt it was best to have him in New York near other relatives. Family members petitioned for guardianship in New York. The New York court said it could not exercise jurisdiction over the case until the Texas guardianship was closed. | The Act sets out a fair and expeditious procedure for transferring the guardianship from Texas to New York, without leaving the incapacitated person in legal limbo and without the need and expense of re-litigating the case. |
| Recognition | Mother needs daughters in two states to act as surrogates | AL | OH | Alabama mother had Alabama daughter as conservator. Mother moved to Ohio to live with other daughter who needs authority to consent to medical care. Lawyer for Alabama conservator asks whether the conservatorship would be recognized in Ohio, and whether an Ohio guardian of the person could co-exist with an Alabama conservatorship. | Alabama daughter could register in Ohio for recognition of authority as conservator. Judges in both states could communicate about jurisdiction for the Ohio guardianship and the co-existence of the two surrogates. The Act provides clear guidance to lawyers and judges, thus saving family and court resources. The Act could also avoid re-litigation of the conservatorship in Ohio. |
| Jurisdiction | Dad lured across state lines and kept there | GA | OH | Father was 85 and a widower. He lived all his life in Georgia. His daughter in Georgia cared for him in his home, taking him to doctors and to his church. Father had revocable living trust, financial durable power of attorney, and health care directive naming daughter as agent. Son in Ohio brought father to Ohio for a visit, had new durable power of attorney | Under the Act, Georgia would be the home state. While there was no filing in Georgia, once daughter learned of the guardianship and filed objections, the Ohio court could find Georgia was the more appropriate forum, could consider the son's unjustifiable conduct as a factor in that determination. The Ohio court |

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| | | | | executed, and then filed for guardianship in Ohio. Daughter was not notified. Ohio court appointed son as guardian, and ruled it was to damaging to transport him back to Georgia. Son died and Ohio court appointed a lawyer as guardian and kept father in Ohio despite daughter's objections. | could send the father back to Georgia where he could be cared for by his daughter and could live out his life in his home state. |
| Jurisdiction | Daughter takes mom for "visit" across state lines | MI | OH | Ninety-six year old mother lived in Michigan her whole life. Ohio daughter took mother for "visit" in Ohio, and placed her in Ohio assisted living facility. Daughter filed petition and Ohio court granted temporary guardianship. Michigan daughter objected on grounds of jurisdiction. Court found Ohio had jurisdiction. Mother wanted to return to Michigan. Michigan daughter initiated a conservatorship proceeding in Michigan, where mother had assets. | Under the Act, Michigan would be the home state. The Ohio court could decline jurisdiction on grounds that Michigan is a more appropriate forum; and additionally on grounds that the Ohio daughter used unjustifiable conduct to place the mother in Michigan. |
| Transfer | Need transfer of guardianship | NJ | OH | A New Jersey resident had a New Jersey guardian of property and co-guardian of person with niece in Ohio. The individual was transferred to an assisted living facility in Ohio to be closer to family. The New Jersey guardian and the Ohio niece filed concomitant applications in the respective courts, with New Jersey guardian seeking approval to sell the New Jersey home, and the Ohio niece seeking to be bonded and assume full responsibility of person and property in | The Act could provide a fair and expeditious procedure to transfer the guardianship of property and the co-guardianship of person from New Jersey to Ohio, with input by interested parties, thus saving family and court resources. |

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| | | | | Ohio. | |
| Recognition | Mother seeks to thwart marriage of incapacitated daughter in another state | NY | OH | A young woman with mental and physical disabilities lived with her mother in Ohio. The mother was appointed guardian by the Ohio court. The daughter went to New York after meeting a man on the Internet. New York adult protective services alleged that the man was financially exploiting her. Also, the daughter needed ongoing medical treatment. The mother drove to New York to try to get the police to help. The police did not recognize the Ohio guardianship. The man said he was going to marry the daughter. Adult protective services was told nothing could be done to stop the marriage, as the Ohio guardianship was not recognized. | Under the Act, the mother could register and be recognized as guardian in New York, and could have authority to take action to protect her daughter. |
| Recognition | Guardian needs to sign probate closing papers in another state | MO | OK; TX | Incapacitated person lives in Missouri and guardian is in Texas. Incapacitated person has an interest in property in Oklahoma which is under probate. Oklahoma attorney has advised the guardian that Oklahoma will not recognize the Missouri guardianship, and the guardian needs to determine whether she can sign the probate papers in Oklahoma. | The Missouri guardian could register the guardianship in Oklahoma and sign the probate papers, allowing for an expeditious transaction, and saving resources. |
| Jurisdiction | Nephew moves relative to another state due to abuse in the | AL | OR | Nephew moved elderly individual from Alabama to Oregon because person was being abused by family members living in the individual's home. The person had | Nephew could file in Oregon, which could determine that even though it is not the home state it is the most appropriate forum under the |

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| | home state | | | cousins in Oregon but no other ties. Adult protective services substantiated the abuse, and the nephew's intentions were good. The nephew and cousins could not afford to travel to Alabama to file for guardianship or conservatorship. Also, there was a question of whether the move was consistent with the person's wishes. | circumstances, particularly if there is no filing in the home state of Alabama. If, however, abusive family members in Alabama file for guardianship there, the courts could communicate as to the best interests and wishes of the individual. |
| Transfer | Need transfer and appointment of new guardian in second state | ME | PA | Incapacitated person was an elderly woman who lived in Maine. Guardian in Maine developed terminal illness. Incapacitated person's niece in Pennsylvania agreed to serve as guardian and sought to move aunt to Pennsylvania nursing home. Pennsylvania court required the niece to file a new proceeding. Individual was moved to Pennsylvania under authority of Maine guardian, who continued to act until the Pennsylvania appointment was completed. Then the Maine guardianship was terminated. | The Act could provide a fair and expeditious procedure to transfer the guardianship from Maine to Pennsylvania, avoiding the need for a redetermination of capacity and saving substantial cost. |
| Jurisdiction | Out-of-state guardian son dissipates mother's estate | CA | TN; AZ | Two brothers had a mother in a California skilled nursing facility. First brother, who lived in Tennessee, took the mother out of the facility, against medical advice, and used a bogus power of attorney to liquidate her assets. Second brother filed for guardianship in California court. The first brother filed for guardianship in Tennessee. The judges conferred and agreed that the Tennessee court would | Under the Act, California would be the home state. The Tennessee court could decline jurisdiction, as the home state of California is a more appropriate forum; and could consider the Tennessee son's unjustifiable conduct in reaching that conclusion. |

| UAGPPJA Issue | Problem | First State Involved | Second State Involved | Summary of Facts | How the Act Could Help |
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| | | | | appoint the exploiting brother as guardian, but also appointed a private fiduciary firm to manage the mother's property in Arizona. The fiduciary firm had to pursue civil litigation against the Tennessee brother to recover funds. Seven or eight attorneys were involved in the expensive litigation, and the estate was substantially dissipated. | |
| Jurisdiction | Elder moved to different state and was prevented from moving home | AL | TX | Woman age 98 was lifelong resident of Alabama. She owned property in Alabama and Washington DC. She had substantial assets of nearly \$1 million. She fell in her home and was seriously injured. Distant relatives in Texas came to Alabama and took her to Texas to recover. As soon as they arrived in Texas, they petitioned for protective proceedings. Both the Alabama and Texas courts stated that since she was present in Texas, Texas had jurisdiction. Depositions showed she wanted to live in Alabama, but has been in Texas ever since. The parties have run up nearly \$300,000 in legal fees, paid from her estate. | Under the Act, protective proceedings would be brought in Alabama (the "home state") where the woman had connections and property, rather than in Texas. The Texas relatives could not have obtained jurisdiction over the woman by taking her across state lines. The expensive litigation in Texas could have been avoided, thus saving the resources for the respondent and the court. |
| Transfer | Foster daughter intervenes long-distance in out-of-state guardianship system to help | DE | TX | Foster mother was missionary in Africa and raised 75 foster children. When she suffered from dementia, she was sent to an adult foster son in Delaware. Abuse occurred, and foster daughter from Texas intervened, seeking Delaware | The Act could have facilitated an early transfer of the case to Texas, thus saving the daughter considerable time, money, and anguish. |

| UAGPPJA Issue | Problem | First State Involved | Second State Involved | Summary of Facts | How the Act Could Help |
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| | mother | | | guardianship herself. A three-year story ensued in which the mother had a Delaware public guardian, two professional Delaware guardians and finally the daughter was appointed as co-guardian of person and property in Delaware. Daughter brought mother to Texas and cared for her. Recovering funds from exploiter and lawyers proved difficult and expensive long-distance. | |
| Recognition | Authority of out-of-state guardian not recognized to protect mentally ill individual | ND | TX | Individual with dementia and mental illness had guardian in North Dakota. Individual traveled to Texas, where he was at risk and required protection. Texas court did not recognize authority of North Dakota guardian. | Under the Act, the North Dakota guardian could register and be recognized in Texas, thus saving family and court resources. |
| Transfer | Examples of interstate situations | TN | TX | Public guardian in Tennessee had a client who, with court permission, moved with daughter to Texas. Public guardian could not transfer the guardianship from Tennessee to Texas without re-litigating the case. | The Act would provide a fair and expeditious procedure for transferring the guardianship from Tennessee to Texas, thus avoiding the need for re-litigating the case and saving the resources of the family, public guardian, and court. |
| Recognition | Examples of interstate situations | TN | TX; AL | Public guardian in Tennessee had a client who owned a house in Texas and another client with a house in Alabama. Both clients needed to sell their properties but the public guardian had no authority to act in the other states. | The Act provides procedures for registration and recognition of the public guardian's authority to sell the clients' properties in Texas and Alabama. |

| UAGPPJA Issue | Problem | First State Involved | Second State Involved | Summary of Facts | How the Act Could Help |
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| Recognition | Incapacitated person crosses state line; guardian unable to retrieve him. | KY | Unknown | Guardian and elderly incapacitated individual lived in Kentucky. Individual was placed in facility near state line. He hitch-hiked into bordering state and was picked up by police of that state. Police contacted guardian. Guardian advised he had no authority to come and get individual and force him to return to Kentucky. Police drove man to border and he was able to make way back. | Under the Act, the guardian could register and his authority could be recognized in the bordering state, allowing him to retrieve the individual safely. |
| Jurisdiction | Adult child “takes mom to lunch” in another state | OR | Unknown | A petition for guardianship was set for a hearing with objections before an Oregon court. Respondent’s adult child visited the nursing home and “t(ook) her out to lunch,” actually flying her out of state to an undisclosed location. The Oregon judge appointed counsel for mom, and directed counsel to contact the other state’s adult protective services. The adult child filed a guardianship petition in the other state. The Oregon judge requested contact with judge in the other state, spoke to the judge, and determined what was in the mother’s best interest. | Under the Act, Oregon is the home state, and the other state could recognize Oregon’s jurisdiction, and could communicate and cooperate concerning what is in the best interest of the incapacitated individual. The adult child could not obtain jurisdiction in the other state by the mother’s presence, and has engaged in unjustifiable conduct. The Act’s provisions would facilitate judicial communication, rather than leaving it to the discretion of judges in different states. |
| Recognition | Authority of out-of-state guardian not recognized to apply for public benefits | ND | VA | Client of a North Dakota guardianship agency lost benefits when she moved to Virginia. Authority of North Dakota guardian was not recognized in Virginia and thus there was no one to assist with application. | Under the Act, the North Dakota guardian could register and be recognized in Virginia, thus saving family and court resources. |

| UAGPPJA Issue | Problem | First State Involved | Second State Involved | Summary of Facts | How the Act Could Help |
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| Transfer | Felon guardian | ID | WA | <p>A guardianship had been established in Idaho, with the incapacitated person's cousin serving as guardian. The guardian petitioned for guardianship in Washington. The guardian's petition in Washington disclosed a prior felony. In Idaho, unlike Washington, a person with a felony conviction may be appointed as guardian. The guardian ad litem expressed concern about the situation in which guardian qualifications are higher in the second state than in the state in which the guardian originally was appointed.</p> | <p>The guardianship could be transferred from Idaho to Washington, or the Idaho guardianship could be recognized in Washington. Either action would make it unnecessary to re-litigate the case. In either case, Washington law concerning guardian eligibility would apply. Any interested party could show whether the transfer of the case was in the best interest of the individual. The Act provides clear guidance to lawyers and judges, thus saving family and court resources.</p> |
| Transfer | Difficult mental health placements and sex offender placements require transfer of guardianship | KY | WV; other states | <p>In West Virginia, placement of persons with mental illness is very difficult, and the West Virginia Department of Health and Human Resources sometimes moves clients who are under state guardianship to Kentucky for care. West Virginia has sought to transfer the guardianships of those clients to Kentucky.</p> <p>Similarly, there are problems in Kentucky in placing nursing home residents who are registered sex offenders. Some have guardians and must be placed in other states, necessitating transfer of the guardianships.</p> | <p>The Act provides a fair and expeditious procedure for transfer of a guardianship case, thus avoiding the need to re-litigate the case and saving the resources of the state and courts.</p> |