Article - Estates and Trusts

[Previous][Next]

§13.5–301.

(a) Following the appointment of a guardian or conservator, the guardian or conservator may petition the court to transfer the guardianship or conservatorship to another state.

(b) Notice of a petition to transfer a guardianship or conservatorship under subsection (a) of this section shall be given by the petitioner to those persons that would be entitled to notice of a petition in this State for the appointment of a guardian or conservator.

(c) On the motion of the court or on request of the incapacitated person or protected person, or another interested person, a court shall hold a hearing on a petition filed in accordance with subsection (a) of this section.

(d) The court shall issue a provisional order granting a petition to transfer a guardianship if the court finds that:

(1) The incapacitated person is physically located in or is reasonably expected to move permanently to the other state;

(2) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the incapacitated person;

(3) The court is satisfied that plans for care and services for the incapacitated person in the other state are reasonable and sufficient; and

(4) The court is satisfied that the guardianship will be accepted by the court to which the proceeding will be transferred.

(e) The court shall issue a provisional order granting a petition to transfer a conservatorship if the court finds that:

(1) The protected person is physically located in or is reasonably expected to move permanently to the other state, or the protected person has a significant connection to the other state, considering the factors set forth in § 13.5–101(o) of this title;

(2) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the protected person;

(3) The court is satisfied that adequate arrangements will be made for management of the property of the protected person; and

(4) The court is satisfied that the conservatorship will be accepted by the court to which the proceeding will be transferred.

[Previous][Next]