

Fourth Supplement to Memorandum 2013-15

**Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act  
(Material Received at Meeting)**

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The following material was received by the Commission at the meeting on April 11, 2013, in connection with Study L-750 on the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, and is attached as an Exhibit:

*Exhibit p.*

- Document from Jennifer Wilkerson, State Bar Trusts and Estates Section Executive Committee ..... 1

Respectfully submitted,

Barbara Gaal  
Staff Counsel

**§ 1996. ~~Appropriate~~Inconvenient forum; declining to exercise jurisdiction**

1996. (a) A court of this state having jurisdiction under Section 1993 to appoint a conservator may decline to exercise its jurisdiction at any time if it determines at any time that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon petition of an interested party, the court on its own motion, or request of another court.

(b) If a court of this state declines to exercise its jurisdiction under subdivision (a), it shall grant the petition and either dismiss or stay the any pending conservatorship proceeding. The court may impose any condition the court considers just and proper, including the condition that a petition for the appointment of a conservator of the person, conservator of the estate, or conservator of the person and estate be filed promptly in another state.

(c) In determining whether it is an ~~appropriate~~inconvenient forum, the court shall consider all relevant factors, including all of the following:

(1) Any expressed preference of the proposed conservatee.

(2) Whether abuse, neglect, or exploitation of the proposed conservatee has occurred or is likely to occur and which state could best protect the proposed conservatee from the abuse, neglect, or exploitation.

(3) The length of time the proposed conservatee was physically present in or was a legal resident of this or another state.

(4) The location of the proposed conservatee's family, friends and other persons required to be notified of the conservatorship proceeding.

(5) The distance of the proposed conservatee from the court in each state.

(6) The financial circumstances of the estate of the proposed conservatee, including the nature and location of the assets of the estate.

(7) The nature and location of the evidence.

(8) The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence.

(9) The familiarity of the court of each state with the facts and issues in the proceeding.

(10) If an appointment were made, the court's ability to monitor the conduct of the conservator.

## § 1996. Appropriate forum

1996. (a) A court of this state having jurisdiction under Section 1993 to appoint a conservator may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum. The issue of appropriate forum may be raised upon petition of party, the court's own motion, or request of another court.

(b) If a court of this state declines to exercise its jurisdiction under subdivision (a), it shall grant the petition and either dismiss or stay the any pending conservatorship proceeding. The court may impose any condition the court considers just and proper, including the condition that a petition for the appointment of a conservator of the person, conservator of the estate, or conservator of the person and estate be filed promptly in another state.

(c) In determining whether it is an appropriate forum, the court shall consider all relevant factors, including all of the following:

(1) Any expressed preference of the proposed conservatee.

(2) Whether abuse, neglect, or exploitation of the proposed conservatee has occurred or is likely to occur and which state could best protect the proposed conservatee from the abuse, neglect, or exploitation.

(3) The length of time the proposed conservatee was physically present in or was a legal resident of this or another state.

(4) The location of the proposed conservatee's family, friends and other persons required to be notified of the conservatorship proceeding.

(5) The distance of the proposed conservatee from the court in each state.

(6) The financial circumstances of the estate of the proposed conservatee, including the nature and location of the assets of the estate.

(7) The nature and location of the evidence.

(8) The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence.

(9) The familiarity of the court of each state with the facts and issues in the proceeding.

(10) If an appointment were made, the court's ability to monitor the conduct of the conservator.