Invasion of the Granny Snatchers: Interstate Elder Moves, Contested Guardianships, and Predatory Misbehavior

PRESENTED BY

The Honorable Heather Galvin, Beaufort County Probate Court

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UAGPPJA – MORE THAN JUST A MOUTHFUL

- The Majority Approach – 47 states, District of Columbia, and Puerto Rico
- Determining jurisdictional priority and increasing interstate coordination
- Jurisdictional Framework
  - "Home State"
  - "Significant-Connection State"
  - "Appropriate Forum State"

UAGPPJA – MORE THAN JUST A MOUTHFUL

- Other Important Jurisdictional Provisions
  - Emergency and Limited Special Jurisdiction
  - Ancillary Jurisdiction
  - Declining Jurisdiction and the "Unjustifiable Conduct" Exception
  - Parallel Proceedings in Different States
  - Transferring Jurisdiction to Another State

NON-UAGPPJA STATES – THE EXCEPTIONS

- Florida: The "De Novo" Trap
- Texas: The "Full Faith & Credit" Twist
- Michigan: The "Fresh Start"

PLANNING AND OTHER PRE-LITIGATION OPTIONS

- Durable Power of Attorney
- Durable Medical Power of Attorney / Advance Directive
- Standby Guardian
- Private Agreements Among Family Members

PLAYING OFFENSE AND DEFENSE

- The Strong Appeal of "Least Restrictive Means"
- Pre-emptive Filings/Recordings

INSIDE THE COURTROOM

- Emergency vs. Temporary Appointments
- What Constitutes an "Emergency"
- Ex Parte Filing of Emergency Petitions
- Common Issues in Guardianship/Conservatorship Matters

INSIDE THE COURTROOM

- Transfer of Guardianships and Conservatorships
- Filing Requirements – Accountings, Inventories, and Delinquent Filings
- Predatory Conduct
- Marriage License Issues

Conclusion and Q&A



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