

The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

Meredith Smith
Clerk of Superior Court Winter Conference
March 2021

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The Stress Banana

One word each: your mental state + the last food you ate

Go to:

[PollEv.com/msmith870](https://poll-ev.com/msmith870)

Or

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Session Goals

1. Refresh our knowledge of UAGPPJA and check in
2. Review the basics of the three main areas of UAGPPJA
3. Answer some common questions associate with each of the three main areas of UAGPPJA

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2016....



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Session Law 2016-72

- Created G.S. Chapter 35B: Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, effective December 1, 2016
- Applies to G.S. Chapter 35A incompetency and adult guardianship proceedings



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Bulletin



SOCIAL SERVICES LAW BULLETIN NO. 46 | NOVEMBER 2016

**New Rules for Adult Guardianship Proceedings:
Applying the Uniform Adult Guardianship
and Protective Proceedings Jurisdiction Act
(G.S. Chapter 35B) in North Carolina**

Meredith Smith

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Application

Uniform **Adult** Guardianship and Protective Proceedings Jurisdiction Act

→ Does not apply to minor guardianship proceedings (but the UCCJEA does apply to minor GOP and GG b/c “custody” ...)

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The Change

The established system in NC for determining incompetency, appointing guardians, and managing estates as governed by G.S. Chapter 35A is not affected by G.S. Chapter 35B.

“This chapter is limited in scope to **jurisdiction**.”

GS 35B-1(c)

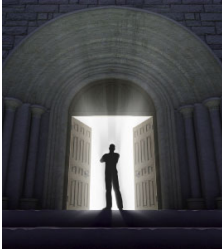
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The “Jurisdiction” Act

Jurisdiction - the power of the court to decide a matter in controversy.

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35B is the gatekeeper to 35A for adults

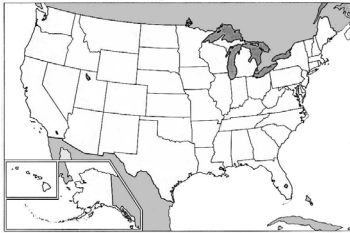


Can't get to a 35A substantive hearing without authority under 35B.

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STATE to STATE Analysis

The General Assembly of North Carolina finds that there is ambiguity in the law with respect to jurisdiction in guardianship proceedings **when more than one state is involved**. G.S. 35B-1(b).



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Public Policy Goals of UAGPPJA

1. To ensure that jurisdiction is located in **one and only one state**; except when an emergency exists or where the individual owns property in multiple states
2. To establish procedures for **transferring** guardianship from one state to another state when the incapacitated adult moves
3. To provide a uniform national system for **registration** and enforcement of out-of-state guardianship orders.

G.S. 35B-1(d)

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Three Main Areas of UAGPPJA

- Initial filings (which state may adjudicate and appoint a guardian)
- Transfer (move guardianship state to state)
- Registration (recognition of out of state orders in NC)

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The Case of Carmen



- Carmen lives in SC
- Has 2 children – Eddie and Linda
- Eddie in SC, Linda in NC
- Linda moves Carmen back to a nursing home in NC in June 2020
- Linda files for guardianship in NC

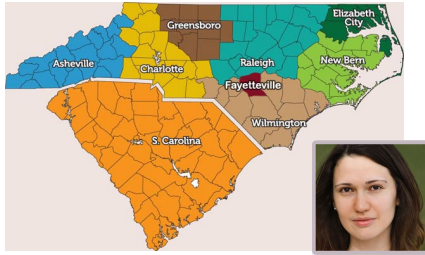
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The Case of Frank



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The Case of Diane



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Five Years Later.....

[illegible]

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What are your thoughts?

Benefits of UAGPPJA

Go to:

[PollEv.com/m-smith870](https://www.poll-ev.com/m-smith870)

Or

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What are your thoughts?

Challenges of UAGPPJA

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Or

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The Case of Carmen



- Carmen lives in SC
- Has 2 children – Eddie and Linda
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- Linda files for guardianship in NC

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Granny Snatching



War of the Guardians



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35B is the Gatekeeper to 35A



Can't get to a 35A substantive hearing without authority under 35B.

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Exclusive Basis

"35B provides the **exclusive jurisdictional** basis for a North Carolina court to adjudicate incompetence, appoint a general guardian or guardian of the person, or issue a protective order."

GS 35B-9

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Consent Not an Option

- Court must find jurisdiction exists before proceeding with the substantive hearing – ALWAYS MAKE SURE BOX CHECKED ON SP-202
- Petitioner makes sworn statements in verified petition (SP-200) and at commencement of hearing
- Parties may not consent to or waive jurisdiction if it is otherwise improper

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Initial Filings: Waterfall of Priority



** Emergency always provides jurisdiction for 90 day GOP appointment – physical presence

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Home State – Physical Presence

Q #1: 6 Month Lookback

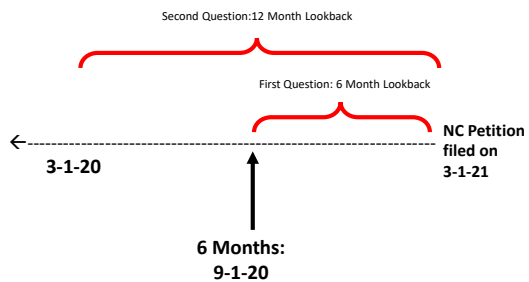
– R physically present in one state for 6 months immediately prior to petition

Q #2: 12 Month Lookback

– R physically present in one state for 6 months over the last 12 months

*Doesn't include of periods of temporary absence, e.g. business trip, vacation, visit to family.

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Petition and Application: SP

STATE OF NORTH CAROLINA		File to:
County		In The General Court Of Justice Superior Court Division Before The Clerk
NOTE TO PETITIONER: If you are petitioning the court to accept guardianship on transfer from another state, this is not an appropriate form to use.		
IN THE MATTER OF:		
Full Name Of Respondent	PETITION FOR ADJUDICATION OF INCOMPETENCE AND APPLICATION FOR APPOINTMENT OF GUARDIAN OR LIMITED GUARDIAN ☐ AND INTERIM GUARDIAN	
Address Of Respondent		
County Of Residence Of Respondent		
Date Of Birth	G.S. 35A-1105, -1112, -1114, -1210, 35B-17, -18	

The undersigned, being duly sworn, requests that the Court, after notice and hearing, adjudicate the respondent above to be incompetent, and also applies for the appointment of the person(s) named below to serve, in the capacity indicated, as guardian(s) of the respondent. In support of this Petition, the undersigned states:

1. During the past twelve (12) months, the above-named respondent was physically present as follows:

Period of Physical Presence (include up to the 12 months prior to the filing date of the petition, or not for periods of temporary absence)		Address
From	To	
	Present	

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Carmen's Case: SP-200

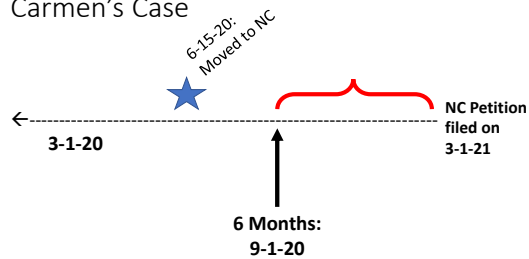
In support of this Petition, the undersigned states:

1. During the past twelve (12) months, the above-named respondent was physically present as follows:

Period of Physical Presence (include up to the 12 months prior to the filing date of the petition, or not for periods of temporary absence)		Address
From	To	
6-15-20	Present	4332 Hathaway Rd, Raleigh, NC
3-1-20	6-14-20	2935 Hanson Drive, Columbia, SC

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Carmen's Case



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SP-200

In support of this Petition, the undersigned states:

1. During the past twelve (12) months, the above-named respondent was physically present as follows:

Period of Physical Presence (include up to the 12 months prior to the filing date of the petition; do not list periods of temporary absence)		Address
From	To	
6-15-20	Present	4332 Hathaway Rd, Raleigh, NC
3-1-20	6-14-20	2935 Hanson Drive, Columbia, SC

6 Month Lookback:

All in NC (8.5 months)

- NC is Home State

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SP-200

In support of this Petition, the undersigned states:

1. During the past twelve (12) months, the above-named respondent was physically present as follows:

Period of Physical Presence (include up to the 12 months prior to the filing date of the petition; do not list periods of temporary absence)		Address
From	To	
10-1-20	Present	4332 Hathaway Rd, Raleigh, NC
3-1-20	9-30-20	2935 Hanson Drive, Columbia, SC

What is Carmen's home state?

Go to: [PollEv.com/msmith870](https://poll.ev.com/msmith870)

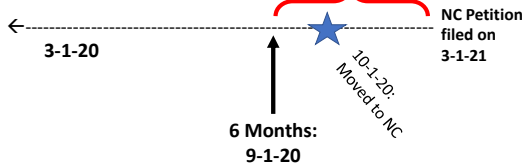
Or

Text **MSMITH870** to [37607](tel:37607) to join

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Q2 - 12 month lookback

Q1 - 6 month lookback



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SP-200: Question 1

iii suggest a list of persons, and undersigned names.

1. During the past twelve (12) months, the above-named respondent was physically present as follows:

Period of Physical Presence (include up to the 12 months prior to the filing date of the petition; do not list periods of temporary absence)		Address
From	To	
10-1-20	Present	4332 Hathaway Rd. Raleigh, NC
3-1-20	9-30-20	2935 Hanson Drive, Columbia, SC

6 Month Lookback:

5 months – NC
1 month - SC

12 Month Lookback:

5 months – NC
7 month - SC

- SC is home state.

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Home State: Two Questions

1. Do they have a home state?
2. If so, what is it?

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SP-200: Question 1

1. During the past twelve (12) months, the above-named respondent was physically present as follows:

Period of Physical Presence (include up to the 12 months prior to the filing date of the petition; do not list periods of temporary absence)		Address
From	To	
10-1-20	Present	4332 Hathaway Rd. Raleigh, NC
6-1-20	9-30-20	2935 Hanson Drive, Columbia, SC
3-1-20	5-31-20	879 Hammel Drive, Knoxville, TN

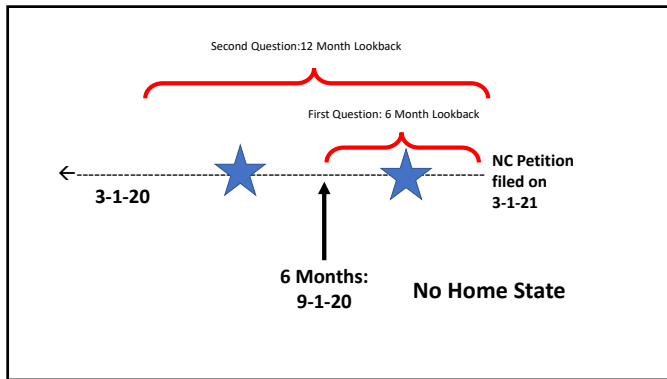
What is Carmen's home state?

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Or

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Initial Filing: Common Questions

North Carolina is technically Carmen's home state, but it is clear Linda moved here and just waited six months to file a petition.

How does she get away with that??

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Home State Declines Jurisdiction

Question for NC court – is South Carolina a "more appropriate forum"?

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Appropriate Forum, GS 35B-13

Court shall consider all relevant factors, including:

Express preference of the respondent	Whether abuse, neglect, or exploitation occurred or is likely and the state that can best protect the respondent	Length of time the respondent physically present in or legal resident of NC or another state
Distance of respondent from court in NC and other state	Financial circumstances of respondent's estate	Ability of the court to monitor the guardian, if appointed
Nature and location of evidence	Familiarity of the court in each state with facts and issues of the case	Ability of the court to decide the issue expeditiously and procedures necessary to present evidence

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NC as Home State decides...

South Carolina is the more appropriate forum.

- NC court may enter an order dismissing or staying the proceeding.
- NC court may impose any condition "just and proper" – including instructing petitioner to file promptly in SC.

GS 35B-13(b)

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Initial Filing: Common Questions

Jane moved to North Carolina in January 2021. Her son, John, filed an incompetency petition here on March 1, 2021. North Carolina is not the respondent's home state.

Don't I have to dismiss it?

BY SIGNATURE OF STATE PETITIONER, STATE GUARDIAN/GRAND JUROR.

1. During the past twelve (12) months, the above-named respondent was physically present as follows:

Period of Physical Presence (include up to the 12 months prior to the filing date of the petition; do not list periods of temporary absence)		Address
From	To	
10-1-20	Present	4332 Hathaway Rd. Raleigh, NC
3-1-20	3-30-20	2935 Hanson Drive, Columbia, SC

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NC not the home state or R does not have a home state.

NC still may exercise jurisdiction if:

1st:
Home State

2nd:
Significant
Connection
State(s)

3rd:
Other State

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Significant Connection State

A state, other than the home state, with which respondent has a significant connection other than mere physical presence and in which **substantial evidence** concerning respondent is available.

G.S. 35B-15(a)(3).

44

Court shall consider

Location of R's family and
other persons noticed of
the proceeding

Length of presence in and
duration of absence from
the state

Location of R's property

Extent of R's ties to the
state e.g. voter reg., tax
returns, car reg., driver's
license, social relationships,
and services received.

G.S. 35B-15(b)

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More than just connections

Look to G.S. 35B-17(2) – connections plus...

1. No home state, or
2. Home state declines jurisdiction, or
3. Home state + no prior pending petition in home state or SCS + before appointment of guardian (i) no petition filed in home state, (ii) no objection to jurisdiction is filed, and (iii) NC court says NC is appropriate forum

2. (check a or check and complete b) (NOTE: In both a and b, "state" includes a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.)

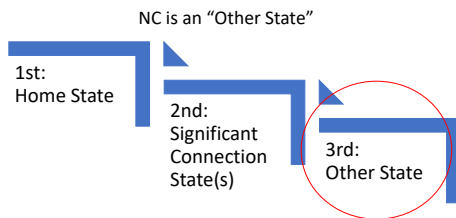
☐ a. There is no other pending proceeding involving the respondent in any court or agency of a state or foreign country.

☐ b. There is a pending proceeding(s) involving the respondent in the court or agency of a state or foreign country, as set forth below:

Location (County, State, and Country)	Type of Proceeding	File Number

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NC not Significant Connection



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NC not Home State or Significant Connection State

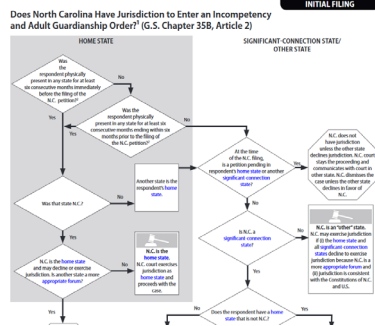
NC may proceed as an "Other State" in very limited circumstances.

NC may exercise jurisdiction only if:

1. The **home state** and **all significant connection states** decline to exercise jurisdiction b/c NC is more **appropriate forum**, and
2. Jurisdiction consistent with constitution of NC and US.

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[illegible]

SP-202: Order on Petition for Adjudication

This court has jurisdiction of the subject matter of this proceeding and of the person of the respondent in that: (answer only one box, 1. through 5.)

Home State

1. ☐ North Carolina is the respondent's home state because the respondent was physically present in North Carolina, including any period of temporary absence, for at least six (6) consecutive months **immediately preceding** the filing of the petition.
2. ☐ North Carolina is the respondent's home state because the respondent was physically present in North Carolina, including any period of temporary absence, for at least six (6) consecutive months **ending within** the six (6) months prior to the filing of the petition.

OR

- 3. Significant Connection State**
- ☐ North Carolina is a significant connection state because the respondent has a significant connection to North Carolina other than mere physical presence and substantial evidence concerning the respondent is available in North Carolina. The respondent does have a home state because the respondent was not physically present in any state for at least six (6) consecutive months over the course of the past twelve (12) months.
- ☐ North Carolina is a significant connection state because the respondent has a significant connection to North Carolina that more than meets the minimum threshold concerning the respondent is available in North Carolina and the respondent has a home state that is not North Carolina and that state declined to exercise jurisdiction because North Carolina is a more appropriate forum.
- ☐ North Carolina is a significant connection state because the respondent has a significant connection to North Carolina other than mere physical presence and substantial evidence concerning the respondent is available in North Carolina, and the respondent has a home state that is not North Carolina and that state declined to exercise jurisdiction because North Carolina is a more appropriate forum.
- ☐ North Carolina is a significant connection state because the respondent has a significant connection to North Carolina other than mere physical presence and substantial evidence concerning the respondent is available in North Carolina, and the respondent has a home state that is not North Carolina and that state declined to exercise jurisdiction because North Carolina is a more appropriate forum.

OR

- 6 ☐ North Carolina is not a home state or a significant-connection state but the respondent's home state and all significant-connection states have declined to exercise jurisdiction because North Carolina is a more appropriate forum, and jurisdiction in North Carolina is consistent with the constitutions of North Carolina and the United States.

[illegible]

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Initial Filing Common Questions

This stuff seems complicated.

What happens if there is an emergency, the respondent is in NC, but we don't know which NC county should proceed?

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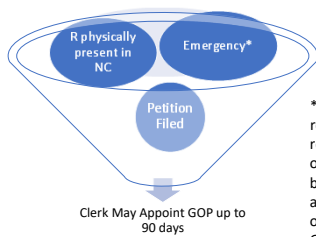
Initial Filing Common Questions

This stuff seems complicated.

What happens if there is an emergency, the respondent is in NC, but we don't know whether NC or another state should proceed?

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Emergency Jurisdiction, G.S. 35A-18



*Circumstance likely will result in substantial harm to a respondent's health, safety, or welfare, + GOP necessary because no other person has authority and is willing to act on the respondent's behalf. G.S. 35B-15(a)(1).

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The Case of Frank



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What states have you seen?

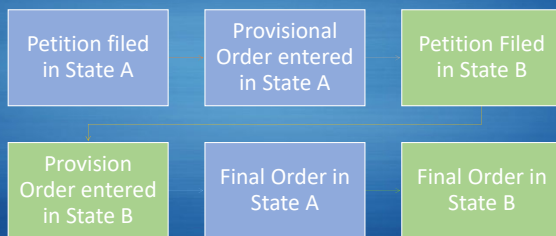
Go to: [PollEv.com/msmith870](https://pollEv.com/msmith870)

Drop a pin on all the states you have had a transfer to or from.

(Text answer not available)

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Steps Required to Transfer



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Transfer: Common Questions

What if the other state does not have UAGPPJA?

States currently without UAGPPJA:

1. Texas
2. Florida
3. Kansas
4. Michigan

Options:

- Party tries to get the other state to follow UAGPPJA (GS 35B-30 and -31).
- Party seeks to terminate guardianship in other state.
- File in NC despite existing guardianship in other state?

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Transfer Out of North Carolina

- Starts with petition (AOC-E-350)
- Filed by the GG, GOP, or GOE
- Filed in the existing E file
 - See RRK 6.1, Comment G

G.S. 35B-30

STATE OF NORTH CAROLINA	
County _____	
In The General Court Of Justice Superior Court Division Before The Clerk	
NOTE TO PETITIONING GUARDIAN: "Noting in the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act of 2010, rules to consider the requirements for serving as a guardian under G.S. 35B-1201 or for petitioning the court for the removal of a guardian from the State under G.S. 35A-1281." Session Law 2019-72, Section 3	
IN THE MATTER OF: Name And Current Address Of Adult Ward _____ Title Of Petitioner Of Adult Ward _____ Date Of Birth _____	
PETITION TO TRANSFER INCOMPETENCY PROCEEDING AND GUARDIANSHIP TO ANOTHER STATE Name, Street Address, PO Box, City, State And Zip Code Of Petitioner Guardian _____ Home, Street Address, PO Box, City, State And Zip Code Of Guardian _____ ☐ Also A Petitioning Guardian	
☐ Of The Estate ☐ Of The Person ☐ General Guardian ☐ Of The Estate ☐ Of The Person ☐ General Guardian Telephone No. Of Petitioner Guardian _____ Name, Street Address, PO Box, City, State And Zip Code Of Petitioner Guardian's Attorney _____ Telephone No. Of Petitioner Guardian's Attorney _____ Date Set For _____	

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Service of the Petition to Transfer Out of NC

By first class mail to original parties to the incompetency and guardianship proceeding.

1. Ward
2. Any guardian other than the petitioner
3. Next of kin
4. GAL or ward's counsel
5. Other parties of record
6. Anyone else designated by the clerk

G.S. 35B-30(b)

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Transfer Out: Common Questions

Must the clerk appoint a guardian ad litem attorney (GAL)?



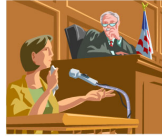
- GS 35A-1217 provides that the clerk shall appoint a GAL to represent the ward in a guardianship proceeding if
 - the ward has been adjudicated incompetent and
 - the clerk determines the ward's interests are not adequately represented
- Appointment and discharge of the GAL is pursuant to IDS rules

My advice: Appoint GAL in response to petition to transfer IF clerk determines ward's interests not adequately represented

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Transfer Out: Common Questions

Do I have to hold a hearing?



- CSC may decide summarily, but
- Hearing must be held upon request of a party or on the clerk's own motion

G.S. 35B-30(c)

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Provisional Order:

Findings to Transfer **GOP** Out of NC

The court shall issue the provisional order **IF the court is satisfied** that the GOP will be accepted by the other state and finds the following:

- The ward is physically present in or reasonably expected to move permanently to the other state
- No objection or, if an objection, objector did not establish transfer is contrary to interests of the ward
- Plans for care and services for the incapacitated person in the other state are reasonable and sufficient

G.S. 35B-30(d)

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Provisional Order:

Findings to Transfer **GOE** Out of NC

The court shall issue the provisional order **IF the court is satisfied** that the GOE will be accepted by the other state and finds the following:

- The ward is physically present in or reasonably expected to move permanently to the other state, or significant connection to the other state
- No objection or, if an objection, objector did not establish transfer is contrary to interests of the ward
- Adequate arrangements will be made for management of the ward's property

G.S. 35B-30(e)

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Provisional Order Out of NC

Form Order: AOC-E-351

Grants provisional approval for transfer
and directs the petitioner to file in the
other state. G.S. 35B-30(d), (e).

**NC retains jurisdiction over the
guardianship pending transfer.**

STATE OF NORTH CAROLINA		To: NC
County		In The General Court Of Justice Regional Civil Division Division 10, Court 1
IN THE MATTER OF		PROVISIONAL ORDER ON PETITION TO TRANSFER INCOMPETENCY PROCEEDING AND GUARDIANSHIP TO ANOTHER STATE G.S. 35B-30 ☐ Not A Petitioning Guardian
Name of Court Reporter (Print Name)		
Name of Petitioner (Print Name)		☐ Of The Estate ☐ Of The Person ☐ General Guardian ☐ Of The Estate ☐ Of The Person ☐ General Guardian
1. ☐ This matter coming to be heard before the undersigned court: ☐ The parties are ready; ☐ Request of the guardian; ☐ Request of the ward; ☐ Request of the following other person required to be notified of the petition: _____ and upon hearing and reviewing the evidence, the Court makes the following Findings of Fact:		
2. ☐ Based on matters of record and other competent evidence that satisfies the Court that the requirements of Chapter 35B have been met, the Court, without a hearing, makes the following Findings of Fact:		

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Transfer Out: Common Questions

How long does the court wait after a petition for transfer is filed to
enter a provisional order?

→ Statute does not say...

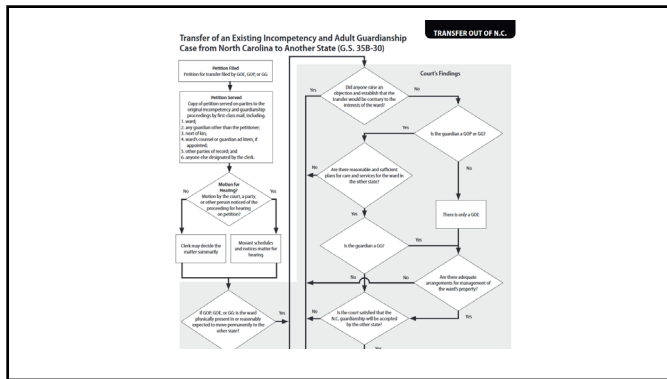
65

Final Account and Order of Transfer Out of NC

- Guardian files a copy of provisional order from the other state with NC court. G.S. 35B-30(g)(1).
- Guardian files final accounting; CSC audits and approves account. G.S. 35B-30(g)(2).
- CSC enters final order authorizing transfer and discharging the guardian, AOC-E-352. G.S. 35B-30(g).

STATE OF NORTH CAROLINA		To: NC
County		In The General Court Of Justice Regional Civil Division Division 10, Court 1
IN THE MATTER OF		FINAL ORDER ON PETITION TO TRANSFER INCOMPETENCY PROCEEDING AND GUARDIANSHIP TO ANOTHER STATE G.S. 35B-30(g) ☐ Not A Petitioning Guardian
Name of Court Reporter (Print Name)		
Name of Petitioner (Print Name)		☐ Of The Estate ☐ Of The Person ☐ General Guardian ☐ Of The Estate ☐ Of The Person ☐ General Guardian
FINDINGS OF FACT The Court finds the following facts: The petitioning guardians indicated above petitioned the court to transfer the incompetency proceeding and guardianship of the above named ward to the state of _____ (hereinafter, the "Other State"). This Court issued a provisional order of transfer on _____. This Court has received from the specific court within the Other State to which the proceeding is to be transferred _____ A provisional order accepting that transfer, and that order is filed by this Court to be served under process order in G.S. 35B-31.		

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Transfer To North Carolina

- Starts with petition (AOC-E-355) PLUS a certified copy of the provisional order from the other state
- Filed by the GOP, GOE, or GG appointed in the other state
- Open a new "E" file
 - See RRK 6.1(y)

G.S. 35B-31(a)

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Service of the Petition to Transfer to NC

- Service of the petition must be given to the parties to original incompetency and guardianship (i) in **NC** **and** (ii) the transferring state
- Service required in same manner used upon commencement of case, so for NC parties that means:
 - Ward – personal service
 - GAL or R's counsel, if appointed – Rule 4
 - Next of Kin – 1st class mail

G.S. 35B-31(b)

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Provisional Order: Findings to Transfer GOP, GOE, or GG to NC

The court shall enter the provisional order **UNLESS**

- An objection is made, and the objector establishes transfer is contrary to interests of the ward
- The GG, GOP, or GOE is ineligible for appointment in NC

G.S. 35B-30(d)

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Transfer to NC: Common Questions

Must the clerk appoint a guardian ad litem attorney (GAL)?



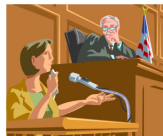
- GS 35A-1217 provides that the clerk shall appoint a GAL to represent the ward in a guardianship proceeding if
 - the ward has been adjudicated incompetent and
 - the clerk determines the ward's interests are not adequately represented
- Appointment and discharge of the GAL is pursuant to IDS rules

My advice: Lower bar here as the receiving state; GAL may not be necessary as part of the question of whether to transfer but rather what is needed **after** transfer (modification, limited, restoration, etc.)

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Transfer to NC: Common Questions

Do I have to hold a hearing?



- CSC may decide summarily, but
- Hearing must be held upon request of a party or on the clerk's own motion

G.S. 35B-30(c)

Consider: Is hearing necessary at this point? Or, would it make more sense after transfer is complete?

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If enter order granting transfer to NC...

Court accepting transfer **shall** recognize order from the other state including the determination of incapacity and appointment of guardian.

Not later than 90 days after entry of final order accepting the guardianship, NC court determines whether the guardianship needs to be modified to conform with NC law.

→ Modify? Limited guardianship? Restoration?

GS 35B-31(f) and (g)

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Provisional Order To NC

Form Order: AOC-E-356

Grants provisional approval for transfer to NC

STATE OF NORTH CAROLINA	
County	In The General Court Of Justice Superior Court Division Before The Clerk
IN THE MATTER OF Name And Current Address Of Adult Ward	PROVISIONAL ORDER ON PETITION TO ACCEPT GUARDIANSHIP ON TRANSFER FROM ANOTHER STATE G.S. 35B-31
Name And Address Of Petitioner	Name And Address Of Co-Petitioner (if applicable)
☐ This matter coming to be heard before the undersigned upon: ☐ the Court's own motion ☐ request of the guardian ☐ request of the ward ☐ request of the following other person required to be notified of the petition: _____	
and upon hearing and reviewing the evidence, the Court makes the following Findings of Fact:	
☐ Based on matters of record and other competent evidence that satisfies the Court that the requirements of Chapter 35B have been met, the Court, without a hearing, makes the following Findings of Fact: _____	

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Order of Transfer To NC

1. GOP, GOE, or GG files a copy of provisional order from the other state with NC court. G.S. 35B-31(e).
2. CSC enters final order authorizing transfer and discharging the guardian, AOC-E-357

STATE OF NORTH CAROLINA	
County	In The General Court Of Justice Superior Court Division Before The Clerk
IN THE MATTER OF Name And Current Address Of Adult Ward	FINAL ORDER ON PETITION TO ACCEPT GUARDIANSHIP ON TRANSFER FROM ANOTHER STATE G.S. 35B-31
Name And Address Of Petitioner	Name And Address Of Co-Petitioner (if applicable)
FINDINGS OF FACT	
The Court finds the following facts: The petitioner(s) indicated above petitioned the Court to accept the guardianship of the above-named ward on transfer from the state of _____.	
A provisional order was issued by this Court on _____.	
This Court has received from (list the specific court within the other state from which this proceeding is being transferred) _____	
a final order transferring the proceedings in this State and that order is found by this Court to be issued under provisions similar to G.S. 35B-35.	
ORDER	
Based on the foregoing findings, it is ORDERED confirmed that the guardianship of the above-named ward is transferred to this Court.	

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Registration of Out of State Orders

Statement in Support of Registration, AOC-E-359

STATE OF NORTH CAROLINA		NC 359
County		In The General Court Of Justice Superior Court Division Before The Clerk
IN THE MATTER OF	STATEMENTS IN SUPPORT OF REGISTRATION	
Name And Current Address Of Adult Ward	☐ GUARDIANSHIP OF THE PERSON ORDER ☐ GENERAL GUARDIANSHIP/PROTECTIVE ORDER FROM ANOTHER STATE	
NOTE: For purposes of this form, "protective order" is defined as a guardian of the estate, or other matter in management of the estate under G.S. 20B.36 to .38.		
Name And Address Of Guardian Nominating Party	Name And Address Of Other Guardian (If Applicable)	
☐ Of The Estate ☐ Of The Person ☐ General Guardian	☐ Of The Estate ☐ Of The Person ☐ General Guardian	
Last Guardianship Order/Protective Order Entered In Other State		
Registration Of Guardianship Of The Person Order From Another State ☐ Pursuant to G.S. 20B.36, the undersigned guardian is filing for North Carolina registration of a guardianship of the person order concerning the above-named ward and in support of this filing, states the following: 1. I have been appointed guardian of the person for the above-named ward in the state listed below.		

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Who has registered an out of state order?

Go to: [PollEv.com/msmith870](https://poll.ev.com/msmith870)

(Text answer not available)

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Registration: Common Questions

What do I get back from the court after I register the out of state order in NC?

TO WHOM IT MAY CONCERN: (pertains to guardianships and orders for adult wards who have attained 18 years of age)

Upon registration of a general guardianship, guardianship of the person, or protective order from another state, the general guardian, guardian of the person, or guardian of the estate may exercise in this State all powers authorized in the order of appointment except as prohibited under the laws of this State, including maintaining actions and proceedings in this State and, if the general guardian, guardian of the person, or guardian of the estate is not a resident of this State, subject to any conditions imposed upon nonresident parties. G.S. 20B.38(a).

NOTE TO CLERK: If certified copies are requested, complete a Certificate of True Copy.

CERTIFICATE OF TRUE COPY	
I certify that the attached copies of the documents described below are true and accurate copies of the originals now on file in this office.	
Name And Description Of Attached Documents:	
Witness my hand and the seal of the Superior Court.	
Date	Name (type or print)
Signature	☐ Deputy CSC ☐ Asst. CSC ☐ Clerk Of Superior Court
SEAL	

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Registration: Common Questions

Mary is the conservator for her daughter, Emily. Mary was appointed by a court in South Carolina. Emily inherits property from her father in North Carolina. Mary registers the order in North Carolina.

Is Mary authorized to sell the property on Emily's behalf once the order is registered?

Go to: [PollEv.com/msmith870](https://poll.ev.com/msmith870)

Or

Text **MSMITH870** to [37607](https://smsm870.com) to join

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Registration: Effect

Exercise all powers of guardian authorized under NC law, BUT

1. Still must obtain ancillary guardian, G.S. 35A-1280, -1301
2. Still must file SP to remove personalty, G.S. 35A-1281

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