

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4
5 By: Senator D. Johnson

A Bill

SENATE BILL 4

For An Act To Be Entitled

AN ACT TO ADOPT THE UNIFORM ADULT GUARDIANSHIP
PROTECTIVE PROCEEDINGS JURISDICTION ACT; AND FOR
OTHER PURPOSES.

Subtitle

TO ADOPT THE UNIFORM ADULT GUARDIANSHIP
PROTECTIVE PROCEEDINGS JURISDICTION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 28 is amended to add an additional
chapter 74 to read as follows:

ARTICLE 1. GENERAL PROVISIONS.

28-74-101. Short title.

This chapter may be cited as the Uniform Adult Guardianship and
Protective Proceedings Jurisdiction Act.

28-74-102. Definitions.

In this chapter:

(1) "Adult" means an individual who has attained eighteen (18) years
of age.

(2) "Conservator" means a person appointed by the court to administer
the property of an adult, including a person appointed under § 28-67-105.

(3) "Guardian" means a person appointed by the court to make decisions
regarding the person of an adult, including a person appointed under §9-20-
101 et seq., §28-65-201 et seq., and § 28-66-101 et seq.

(4) "Guardianship order" means an order appointing a guardian.



1 (5) "Guardianship proceeding" means a judicial proceeding in which an
2 order for the appointment of a guardian is sought or has been issued.

3 (6) "Incapacitated person" means an adult for whom a guardian has been
4 appointed.

5 (7) "Party" means the respondent, petitioner, guardian, conservator,
6 or any other person allowed by the court to participate in a guardianship or
7 protective proceeding.

8 (8) "Person," except in the term incapacitated person or protected
9 person, means an individual, corporation, business trust, estate, trust,
10 partnership, limited liability company, association, joint venture, public
11 corporation, government or governmental subdivision, agency, or
12 instrumentality, or any other legal or commercial entity.

13 (9) "Protected person" means an adult for whom a protective order has
14 been issued.

15 (10) "Protective order" means an order appointing a conservator or
16 other order related to management of an adult's property.

17 (11) "Protective proceeding" means a judicial proceeding in which a
18 protective order is sought or has been issued.

19 (12) "Record" means information that is inscribed on a tangible medium
20 or that is stored in an electronic or other medium and is retrievable in
21 perceivable form.

22 (13) "Respondent" means an adult for whom a protective order or the
23 appointment of a guardian is sought.

24 (14) "State" means a state of the United States, the District of
25 Columbia, Puerto Rico, the United States Virgin Islands, a federally
26 recognized Indian tribe, or any territory or insular possession subject to
27 the jurisdiction of the United States.

28
29 28-74-103. International application of act.

30 A court of this state may treat a foreign country as if it were a state
31 for the purpose of applying this article and articles two (2), three (3) and
32 five (5).

33
34 28-74-104. Communication between courts.

35 (a) A court of this state may communicate with a court in another
36 state concerning a proceeding arising under this act. The court may allow

1 the parties to participate in the communication. Except as otherwise
2 provided in subsection (b), the court shall make a record of the
3 communication. The record may be limited to the fact that the communication
4 occurred.

5 (b) Courts may communicate concerning schedules, calendars, court
6 records, and other administrative matters without making a record.

7
8 28-74-105. Cooperation between courts.

9 (a) In a guardianship or protective proceeding in this state, a court
10 of this state may request the appropriate court of another state to do any of
11 the following:

12 (1) hold an evidentiary hearing;

13 (2) order a person in that state to produce evidence or give
14 testimony pursuant to procedures of that state;

15 (3) order that an evaluation or assessment be made of the
16 respondent;

17 (4) order any appropriate investigation of a person involved in
18 a proceeding;

19 (5) forward to the court of this state a certified copy of the
20 transcript or other record of a hearing under paragraph (1) or any other
21 proceeding, any evidence otherwise produced under paragraph (2), and any
22 evaluation or assessment prepared in compliance with an order under paragraph
23 (3) or (4);

24 (6) issue any order necessary to assure the appearance in the
25 proceeding of a person whose presence is necessary for the court to make a
26 determination, including the respondent or the incapacitated or protected
27 person;

28 (7) issue an order authorizing the release of medical,
29 financial, criminal, or other relevant information in that state, including
30 protected health information as defined in 45 C.F.R. Section 164.504 as it
31 existed on January 15, 2010.

32 (b) If a court of another state in which a guardianship or protective
33 proceeding is pending requests assistance of the kind provided in subsection
34 (a), a court of this state has jurisdiction for the limited purpose of
35 granting the request or making reasonable efforts to comply with the request.

1 28-74-106. Taking testimony in another state.

2 (a) In a guardianship or protective proceeding, in addition to other
3 procedures that may be available, testimony of a witness who is located in
4 another state may be offered by deposition or other means allowable in this
5 state for testimony taken in another state. The court on its own motion may
6 order that the testimony of a witness be taken in another state and may
7 prescribe the manner in which and the terms upon which the testimony is to be
8 taken.

9 (b) In a guardianship or protective proceeding, a court in this state
10 may permit a witness located in another state to be deposed or to testify by
11 telephone or audiovisual or other electronic means. A court of this state
12 shall cooperate with the court of the other state in designating an
13 appropriate location for the deposition or testimony.

14 (c) Documentary evidence transmitted from another state to a court of
15 this state by technological means that do not produce an original writing may
16 not be excluded from evidence on an objection based on the best evidence
17 rule.

18
19 ARTICLE 2. JURISDICTION.

20 28-74-201. Definitions; significant connection factors.

21 (a) In this article:

22 (1) "Emergency" means a circumstance that likely will result in
23 substantial harm to a respondent's health, safety, or welfare, and for which
24 the appointment of a guardian is necessary because no other person has
25 authority and is willing to act on the respondent's behalf;

26 (2) "Home state" means the state in which the respondent was
27 physically present, including any period of temporary absence, for at least
28 six consecutive months immediately before the filing of a petition for a
29 protective order or the appointment of a guardian; or if none, the state in
30 which the respondent was physically present, including any period of
31 temporary absence, for at least six consecutive months ending within the six
32 months prior to the filing of the petition.

33 (3) "Significant-connection state" means a state, other than the
34 home state, with which a respondent has a significant connection other than
35 mere physical presence and in which substantial evidence concerning the
36 respondent is available.

1 (b) In determining under § 28-74-203 and subsection 28-74-301(e)
2 whether a respondent has a significant connection with a particular state,
3 the court shall consider:

4 (1) the location of the respondent's family and other persons
5 required to be notified of the guardianship or protective proceeding;

6 (2) the length of time the respondent at any time was physically
7 present in the state and the duration of any absence;

8 (3) the location of the respondent's property; and

9 (4) the extent to which the respondent has ties to the state
10 such as voting registration, state or local tax return filing, vehicle
11 registration, driver's license, social relationship, and receipt of services.

12
13 28-74-202. Exclusive basis.

14 This article provides the exclusive jurisdictional basis for a court of
15 this state to appoint a guardian or issue a protective order for an adult.

16
17 28-74-203. Jurisdiction.

18 A court of this state has jurisdiction to appoint a guardian or issue a
19 protective order for a respondent if:

20 (1) this state is the respondent's home state;

21 (2) on the date the petition is filed, this state is a
22 significant-connection state and:

23 (A) the respondent does not have a home state or a court
24 of the respondent's home state has declined to exercise jurisdiction because
25 this state is a more appropriate forum; or

26 (B) the respondent has a home state, a petition for an
27 appointment or order is not pending in a court of that state or another
28 significant-connection state, and, before the court makes the appointment or
29 issues the order:

30 (i) a petition for an appointment or order is not
31 filed in the respondent's home state;

32 (ii) an objection to the court's jurisdiction is not
33 filed by a person required to be notified of the proceeding; and;

34 (iii) the court in this state concludes that it is
35 an appropriate forum under the factors set forth in § 28-74-206;

36 (3) this state does not have jurisdiction under either paragraph

1 (1) or (2), the respondent's home state and all significant-connection states
2 have declined to exercise jurisdiction because this state is the more
3 appropriate forum, and jurisdiction in this state is consistent with the
4 constitutions of this state and the United States; or

5 (4) the requirements for special jurisdiction under § 28-74-204
6 are met.

7
8 28-74-204. Special jurisdiction.

9 (a) A court of this state lacking jurisdiction under subsections 28-
10 74-203(1) through (3) has special jurisdiction to do any of the following:

11 (1) appoint a guardian in an emergency for a term not exceeding
12 ninety (90) days for a respondent who is physically present in this state;

13 (2) issue a protective order with respect to real or tangible
14 personal property located in this state;

15 (3) appoint a guardian or conservator for an incapacitated or
16 protected person for whom a provisional order to transfer the proceeding from
17 another state has been issued under procedures similar to § 28-74-301.

18 (b) If a petition for the appointment of a guardian in an emergency is
19 brought in this state and this state was not the respondent's home state on
20 the date the petition was filed, the court shall dismiss the proceeding at
21 the request of the court of the home state, if any, whether dismissal is
22 requested before or after the emergency appointment.

23
24 28-74-205. Exclusive and continuing jurisdiction.

25 Except as otherwise provided in § 28-74-204, a court that has appointed
26 a guardian or issued a protective order consistent with this act has
27 exclusive and continuing jurisdiction over the proceeding until it is
28 terminated by the court or the appointment or order expires by its own terms.

29
30 28-74-206. Appropriate forum.

31 (a) A court of this state having jurisdiction under § 28-74-203 to
32 appoint a guardian or issue a protective order may decline to exercise its
33 jurisdiction if it determines at any time that a court of another state is a
34 more appropriate forum.

35 (b) If a court of this state declines to exercise its jurisdiction
36 under subsection (a), it shall either dismiss or stay the proceeding. The

1 court may impose any condition the court considers just and proper, including
2 the condition that a petition for the appointment of a guardian or issuance
3 of a protective order be filed promptly in another state.

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

6 (1) any expressed preference of the respondent;

7 (2) whether abuse, neglect, or exploitation of the respondent
8 has occurred or is likely to occur and which state could best protect the
9 respondent from the abuse, neglect, or exploitation;

10 (3) the length of time the respondent was physically present in
11 or was a legal resident of this or another state;

12 (4) the distance of the respondent from the court in each state;

13 (5) the financial circumstances of the respondent's estate;

14 (6) the nature and location of the evidence;

15 (7) the ability of the court in each state to decide the issue
16 expeditiously and the procedures necessary to present evidence;

17 (8) the familiarity of the court of each state with the facts
18 and issues in the proceeding; and

19 (9) if an appointment were made, the court's ability to monitor
20 the conduct of the guardian or conservator.

21
22 28-74-207. Jurisdiction declined by reason of conduct.

23 (a) If at any time a court of this state determines that it acquired
24 jurisdiction to appoint a guardian or issue a protective order because of
25 unjustifiable conduct, the court may:

26 (1) decline to exercise jurisdiction;

27 (2) exercise jurisdiction for the limited purpose of fashioning
28 an appropriate remedy to ensure the health, safety, and welfare of the
29 respondent or the protection of the respondent's property or prevent a
30 repetition of the unjustifiable conduct, including staying the proceeding
31 until a petition for the appointment of a guardian or issuance of a
32 protective order is filed in a court of another state having jurisdiction; or

33 (3) continue to exercise jurisdiction after considering:

34 (A) the extent to which the respondent and all persons
35 required to be notified of the proceedings have acquiesced in the exercise of
36 the court's jurisdiction;

1 (B) whether it is a more appropriate forum than the court
2 of any other state under the factors set forth in subsection 28-74-206(c);
3 and

4 (C) whether the court of any other state would have
5 jurisdiction under factual circumstances in substantial conformity with the
6 jurisdictional standards of § 28-74-203.

7 (b) If a court of this state determines that it acquired jurisdiction
8 to appoint a guardian or issue a protective order because a party seeking to
9 invoke its jurisdiction engaged in unjustifiable conduct, it may assess
10 against that party necessary and reasonable expenses, including attorney's
11 fees, investigative fees, court costs, communication expenses, witness fees
12 and expenses, and travel expenses. The court may not assess fees, costs, or
13 expenses of any kind against this state or a governmental subdivision,
14 agency, or instrumentality of this state unless authorized by law other than
15 this act.

16
17 28-74-208. Notice of proceeding.

18 If a petition for the appointment of a guardian or issuance of a
19 protective order is brought in this state and this state was not the
20 respondent's home state on the date the petition was filed, in addition to
21 complying with the notice requirements of this state, notice of the petition
22 must be given to those persons who would be entitled to notice of the
23 petition if a proceeding were brought in the respondent's home state. The
24 notice must be given in the same manner as notice is required to be given in
25 this state.

26
27 28-74-209. Proceedings in more than one state.

28 Except for a petition for the appointment of a guardian in an emergency
29 or issuance of a protective order limited to property located in this state
30 under subsections 28-74-204(a)(1) or (2), if a petition for the appointment
31 of a guardian or issuance of a protective order is filed in this state and in
32 another state and neither petition has been dismissed or withdrawn, the
33 following rules apply:

34 (1) If the court in this state has jurisdiction under § 28-74-203, it
35 may proceed with the case unless a court in another state acquires
36 jurisdiction under provisions similar to § 28-74-203 before the appointment

1 or issuance of the order.

2 (2) If the court in this state does not have jurisdiction under § 28-
3 74-203, whether at the time the petition is filed or at any time before the
4 appointment or issuance of the order, the court shall stay the proceeding and
5 communicate with the court in the other state. If the court in the other
6 state has jurisdiction, the court in this state shall dismiss the petition
7 unless the court in the other state determines that the court in this state
8 is a more appropriate forum.

9
10 ARTICLE 3. TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP.

11 28-74-301. Transfer of guardianship or conservatorship to another
12 state.

13 (a) A guardian or conservator appointed in this state may petition the
14 court to transfer the guardianship or conservatorship to another state.

15 (b) Notice of a petition under subsection (a) must be given to the
16 persons that would be entitled to notice of a petition in this state for the
17 appointment of a guardian or conservator.

18 (c) On the court's own motion or on request of the guardian or
19 conservator, the incapacitated or protected person, or other person required
20 to be notified of the petition, the court shall hold a hearing on a petition
21 filed pursuant to subsection (a).

22 (d) The court shall issue an order provisionally granting a petition
23 to transfer a guardianship and shall direct the guardian to petition for
24 guardianship in the other state if the court is satisfied that the
25 guardianship will be accepted by the court in the other state and the court
26 finds that:

27 (1) the incapacitated person is physically present in or is
28 reasonably expected to move permanently to the other state;

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

32 (3) plans for care and services for the incapacitated person in
33 the other state are reasonable and sufficient.

34 (e) The court shall issue a provisional order granting a petition to
35 transfer a conservatorship and shall direct the conservator to petition for
36 conservatorship in the other state if the court is satisfied that the

1 conservatorship will be accepted by the court of the other state and the
2 court finds that:

3 (1) the protected person is physically present in or is
4 reasonably expected to move permanently to the other state, or the protected
5 person has a significant connection to the other state considering the
6 factors in subsection 28-74-201(b);

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

10 (3) adequate arrangements will be made for management of the
11 protected person's property.

12 (f) The court shall issue a final order confirming the transfer and
13 terminating the guardianship or conservatorship upon its receipt of:

14 (1) a provisional order accepting the proceeding from the court
15 to which the proceeding is to be transferred which is issued under provisions
16 similar to § 28-74-302; and

17 (2) the documents required to terminate a guardianship or
18 conservatorship in this state.

19
20 28-74-302. Accepting guardianship or conservatorship transferred from
21 another state.

22 (a) To confirm transfer of a guardianship or conservatorship
23 transferred to this state under provisions similar to § 28-74-301, the
24 guardian or conservator must petition the court in this state to accept the
25 guardianship or conservatorship. The petition must include a certified copy
26 of the other state's provisional order of transfer.

27 (b) Notice of a petition under subsection (a) must be given to those
28 persons that would be entitled to notice if the petition were a petition for
29 the appointment of a guardian or issuance of a protective order in both the
30 transferring state and this state. The notice must be given in the same
31 manner as notice is required to be given in this state.

32 (c) On the court's own motion or on request of the guardian or
33 conservator, the incapacitated or protected person, or other person required
34 to be notified of the proceeding, the court shall hold a hearing on a
35 petition filed pursuant to subsection (a).

36 (d) The court shall issue an order provisionally granting a petition

1 filed under subsection (a) unless:

2 (1) an objection is made and the objector establishes that
3 transfer of the proceeding would be contrary to the interests of the
4 incapacitated or protected person; or

5 (2) the guardian or conservator is ineligible for appointment in
6 this state.

7 (e) The court shall issue a final order accepting the proceeding and
8 appointing the guardian or conservator as guardian or conservator in this
9 state upon its receipt from the court from which the proceeding is being
10 transferred of a final order issued under provisions similar to § 28-74-301
11 transferring the proceeding to this state.

12 (f) Not later than ninety (90) days after issuance of a final order
13 accepting transfer of a guardianship or conservatorship, the court shall
14 determine whether the guardianship or conservatorship needs to be modified to
15 conform to the law of this state.

16 (g) In granting a petition under this section, the court shall
17 recognize a guardianship or conservatorship order from the other state,
18 including the determination of the incapacitated or protected person's
19 incapacity and the appointment of the guardian or conservator.

20 (h) The denial by a court of this state of a petition to accept a
21 guardianship or conservatorship transferred from another state does not
22 affect the ability of the guardian or conservator to seek appointment as
23 guardian or conservator in this state under § 9-20-101 et seq., § 28-65-201
24 et seq., § 28-66-101 et seq., and § 28-67-101 et seq. if the court has
25 jurisdiction to make an appointment other than by reason of the provisional
26 order of transfer.

27
28 ARTICLE 4. REGISTRATION AND RECOGNITION OF ORDERS FROM OTHER STATES.

29 28-74-401. Registration of guardianship orders.

30 If a guardian has been appointed in another state and a petition for
31 the appointment of a guardian is not pending in this state, the guardian
32 appointed in the other state, after giving notice to the appointing court of
33 an intent to register, may register the guardianship order in this state by
34 filing as a foreign judgment in a court, in any appropriate county of this
35 state, certified copies of the order and letters of office.

28-74-402. Registration of protective orders.

If a conservator has been appointed in another state and a petition for a protective order is not pending in this state, the conservator appointed in the other state, after giving notice to the appointing court of an intent to register, may register the protective order in this state by filing as a foreign judgment in a court of this state, in any county in which property belonging to the protected person is located, certified copies of the order and letters of office and of any bond.

28-74-403. Effect of registration.

(a) Upon registration of a guardianship or protective order from another state, the guardian or conservator 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 guardian or conservator is not a resident of this state, subject to any conditions imposed upon nonresident parties.

(b) A court of this state may grant any relief available under this act and other law of this state to enforce a registered order.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

28-74-501. Uniformity of application and construction.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

28-74-502. Relation to electronic signatures in global and national commerce act.

This act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

28-74-503. Repeals.

The following acts and parts of acts are hereby repealed:

(1)

(2)

(3)

28-74-504. Transitional provision.

(a) This act applies to guardianship and protective proceedings begun on or after [the effective date].

(b) Articles one (1), three (3), and four (4) and § 28-74-501 and 502 apply to proceedings begun before [the effective date], regardless of whether a guardianship or protective order has been issued.

28-74-505. Effective date.

This act takes effect.....

SECTION 2. Arkansas Code § 9-20-108, concerning court jurisdiction, is amended to add an additional subsection to read as follows:

(g) The appropriate jurisdiction for an action under this chapter that involves a maltreated adult and a party residing outside the state must be determined under the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, § 28-74-101--504.

SECTION 3. Arkansas Code § 28-65-103, concerning applicability of other acts in guardianships, is amended to add an additional subsection to read as follows:

(g) The appropriate jurisdiction for an adult guardianship action under this chapter that involve a party residing outside the state must be determined under the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, § 28-74-101--504.

SECTION 4. Arkansas Code § 28-65-107, concerning the jurisdiction of courts in guardianship actions, is amended to add an additional subsection to read as follows:

(d) The appropriate jurisdiction for an adult guardianship action under this chapter that involve a party residing outside the state must be determined under the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, § 28-74-101--504.

1 SECTION 5. Arkansas Code § 28-65-202, concerning venue for
2 guardianship actions, is amended to add an additional subsection to read as
3 follows:

4 (d) The appropriate venue for an adult guardianship action under this
5 chapter that involve a party residing outside the state must be determined
6 under the Uniform Adult Guardianship and Protective Proceedings Jurisdiction
7 Act, § 28-74-101--504.

8
9 SECTION 6. Arkansas Code § 28-65-601(b) is amended to read as follows:

10 (b) The foreign guardian shall file with his or her petition ~~an~~
11 ~~authenticated copy of his or her letters of guardianship, or other~~
12 ~~appropriate evidence of his or her appointment and qualification, an~~
13 ~~authenticated copy of the bond, if any, filed by him or her with the court~~
14 ~~which appointed him or her, and evidence of the value of the property of the~~
15 ~~ward in the jurisdiction of his or her appointment~~ in the manner prescribed
16 under § 28-74-302.

17
18 SECTION 7. Arkansas Code § 28-65-602 is amended to read as follows:

19 28-65-602. Grant or denial of petition to act in Arkansas – Effect.

20 ~~(a) Upon being satisfied that the foreign guardian is duly appointed,~~
21 ~~qualified, and acting, that his or her bond is sufficient under the laws of~~
22 ~~the jurisdiction of his or her appointment to protect the property of the~~
23 ~~ward within the jurisdiction and the property within this state, or its~~
24 ~~proceeds, or that no bond is required in the jurisdiction of his or her~~
25 ~~appointment, and that the action ordered to be taken is in the best interest~~
26 ~~of the ward and his or her estate, the court may, if there is no locally~~
27 ~~appointed guardian, grant the petition, in whole or in part, and direct the~~
28 ~~foreign guardian to proceed with the directed action in the same manner as is~~
29 ~~provided for similar action by a resident guardian of the estate or a~~
30 ~~resident ward~~ In granting a petition under § 28-74-302, the court shall
31 recognize a guardianship or conservatorship order from the other state,
32 including the determination of the incapacitated or protected person's
33 incapacity and the appointment of the guardian or conservator.

34 (b) If there is a locally appointed guardian, and upon the same
35 findings as to the qualifications of the foreign guardian and the sufficiency
36 of his or her bond, if any, the court, in the exercise of its discretion,

1 may:

2 (1) Order the termination of the local guardianship and the
3 payment, transfer, or delivery of the property of the ward to the foreign
4 guardian and grant the petition of the foreign guardian, in whole or in part;
5 or

6 (2) Order the local guardian to take the action, in whole or in
7 part, for which the foreign guardian asked authority; or

8 (3) Deny the petition.

9 (c) If the court orders the termination of the local guardianship, the
10 local guardian shall file his or her account immediately.

11 (d) The denial by a court of this state of a petition to accept a
12 guardianship or conservatorship transferred from another state does not
13 affect the ability of the guardian or conservator to seek appointment as
14 guardian or conservator in this state under § 9-20-101 et seq., § 28-65-201
15 et seq., § 28-66-101 et seq., and § 28-67-101 et seq. if the court has
16 jurisdiction to make an appointment other than by reason of the provisional
17 order of transfer.

18
19 SECTION 8. Arkansas Code § 28-67-102 is amended to read as follows:
20 28-67-102. Jurisdiction of the court.

21 (a) All laws relative to the jurisdiction of the circuit court over
22 the estate of a person under guardianship as an incompetent person, including
23 the investment, management, sale, or mortgage of his or her property and the
24 payment of his or her debts, shall be applicable to the estate of a person
25 under conservatorship.

26 (b) Court jurisdiction for adult guardianship actions and
27 conservatorship actions that involve a party residing outside the state must
28 be determined under the Uniform Adult Guardianship and Protective Proceedings
29 Jurisdiction Act, § 28-74-101--504.