

Preparing for the Effective Date: UAGPPJA Resources

Tomorrow, December 1, 2016, G.S. Chapter 35B goes into effect in North Carolina. The law incorporates provisions of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA). As I noted in [this earlier post](#), it applies to all new incompetency and **adult** guardianship proceedings filed on or after December 1st and requires the court to ensure jurisdiction is proper under Chapter 35B before proceeding with the case. Keep in mind that if a case is already pending as of December 1st, the court is not required to apply the G.S. Chapter 35B analysis related to jurisdiction for **initial filings**, even if the hearing takes place after December 1st.

UAGPPJA, as adopted in G.S. Chapter 35B, also provides a new mechanism for **transferring** existing adult guardianship cases to and from North Carolina and for **registering** out of state guardianship orders in North Carolina. The transfer and registration provisions apply as of December 1, 2016 to all cases in NC, regardless of whether they were filed before, on, or after that date.

The text of G.S. Chapter 35B is now available on the N.C. General Assembly's [website](#). Note the statutes were renumbered when they were codified. Therefore, the statutory references in the session law, [S.L. 2016-72](#), are no longer correct. In addition to the primary law, I wanted to use this post to identify some other resources now available to assist with the implementation of UAGPPJA in N.C.

1. **Webinar.** The N.C. Administrative Office of the Courts (NCAOC) in partnership with the School of Government (SOG) recently offered a live webinar giving an overview of UAGPPJA. It is an hour and 15 minutes long and the replay may be viewed starting tomorrow at any time for free on the NCAOC's website [here](#).
2. **New Bulletin.** I just published a new bulletin, [New Rules for Adult Guardianship Proceedings: Applying the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act \(G.S. Chapter 35B\) in North Carolina](#). The bulletin gives an overview of UAGPPJA and then focuses on the three main parts of the law, initial filings, transfer, and registration. It uses case scenarios to illustrate how the law will work in our state.
3. **New Flow Charts.** In connection with the publication of the bulletin, I also developed three flow charts that break down the analysis that the court must apply for initial filings and transfers. The first flow chart should be used for **initial filings** of new incompetency and adult guardianship proceedings on or after December 1st. It is found in Appendix A to the bulletin and can also be printed separately [here](#). The second flow chart reflects the steps that the court should follow when **transferring a case out of N.C.** and final flow chart outlines the process for **transferring a case into N.C.** They are found in Appendix B and C to the bulletin and can be printed separately [here](#).

4. **Revised NCAOC Forms (SP-200; SP-202).** The NCAOC Estates and Special Proceeding Forms Subcommittee recently adopted two revised forms in response to UAGPPJA. They are SP-200, the Petition for Adjudication of Incompetence and Application for the Appointment of a guardian, as well as SP-202, the Order on Petition for Adjudication of Incompetence. Both will be available tomorrow [here](#).

With regard to the petition, keep in mind that it was revised to solicit additional information from the petitioner to help the court decide whether it has jurisdiction to hear the case. Specifically, the revised petition seeks information about the respondent's physical presence for the 12 months immediately preceding the petition. The court can use this information to help identify the respondent's home state. In addition, the petition now asks the petitioner to identify any pending cases in other states to assist the court in determining whether another state may have jurisdiction or otherwise be an appropriate forum.

These revised forms will be extremely helpful in supporting the jurisdictional analysis necessary for cases filed after December 1st. The forms are not, however, essential. If a petitioner files a proceeding on or after December 1st using the prior version of the form, the petition is still valid. The guardian ad litem should work to obtain this information about the respondent as part of his or her report and the petitioner may present and the court may also gather this information at the start of the hearing on the petition.

There will be more UAGPPJA resources forthcoming from the AOC and SOG as other details, such as new rules of recordkeeping and additional forms, are analyzed and promulgated. I'll be sure to post links to those as well once they are available. As always, feel free to call with any questions or post them below.

****Update as of 12/5/16.** Two links in this post have been updated to revise the flow chart labeled "Transfer To N.C." This flow chart is located in both the **bulletin** and the **separate printable flow chart**. The revision is to the right-hand column, second box down which should read as follows: "Receive **final** order granting transfer from other state." The prior version incorrectly states "provisional order" when it should state "final order." You could either make the correction on your own or you can reprint and replace the prior version by following the links in this updated post to the bulletin (last page of the bulletin) and the transfer flow charts (page 2 for Transfer to N.C.).*

****Update as of 8/1/17.** The NC Administrative Office of the Courts published new forms in July of 2017 related to G.S. Chapter 35B and UAGPPJA. They include the following:*

- [AOC-E-350](#) (Petition To Transfer Incompetency Proceeding And Guardianship To Another

State)

- [AOC-E-351](#) (*Provisional Order On Petition To Transfer Incompetency Proceeding And Guardianship To Another State*)
- [AOC-E-352](#) (*Final Order On Petition To Transfer Incompetency Proceeding And Guardianship To Another State*)
- [AOC-E-355](#) (*Petition To Accept Guardianship On Transfer From Another State*)
- [AOC-E-356](#) (*Provisional Order On Petition To Accept Guardianship On Transfer From Another State*)
- [AOC-E-357](#) (*Final Order On Petition To Accept Guardianship On Transfer From Another State*)
- [AOC-E-359](#) (*Statements In Support Of Registration [] Guardianship Of The Person Order [] General Guardianship/Protective Order* From Another State*)