

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 94

2016 Regular Session

Colomb

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CIVIL PROCEDURE. Enacts the Louisiana Uniform Adult Guardianship Protective Proceedings Jurisdiction Act. (8/1/16)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Technical legislative bureau amendments.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 94 Reengrossed

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Proposed law enacts the Louisiana Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJ) and provides new procedures, largely drawn from a uniform act, for foreign curatorships and guardianships to be recognized and exercised in Louisiana.

Present law provides that a state court has jurisdiction for an interdiction proceeding if the person sought to be interdicted is domiciled in this state, or is in this state and has property in this state. Proposed law provides state court jurisdiction for an interdiction proceeding brought pursuant to UAGPPJ.

Proposed law retains state court jurisdiction over a tutorship or curatorship proceeding for minors or absentees who are either domiciled in or own property in the state.

Present law provides for a conservator, who has produced proof of his appointment, of a ward residing outside of the state to appear in court on behalf of the ward without qualifying as a curator in Louisiana when no curator has been appointed in the state. This conservator can perform acts that affect the ward's property in Louisiana when authorized by the court in the parish where the property is located. If the foreign curator wants to take possession of the ward's property or to remove any of it from the state, then he must file a petition for authority to do so in the court of the parish where the property is located. The court shall render a judgment granting the authority requested if the foreign conservator alleges in the petition that there are no Louisiana creditors of the ward or that all such known creditors have been paid and if the foreign conservator attaches to the petition an irrevocable power of attorney appointing a resident of this state to receive service of process in any action or proceeding brought in Louisiana to enforce a claim against the ward or against any of the ward's property in Louisiana.

Proposed law removes the qualification that the ward reside outside of Louisiana and replaces the term "ward" with the term "protected person".

Effective August 1, 2016.

(Amends C.C.P. Art. 10(A)(3) and (4) and Art. 4556; adds R.S. 13:4251.101-4251.106, 4251.201-4251.209, 4251.301, 4251.302, 4251.401-4251.403, 4251.501-4251.504)

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