

RÉSUMÉ DIGEST

ACT 333 (SB 94)

2016 Regular Session

Colomb

New 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.

Prior law provided 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. New law provides state court jurisdiction for an interdiction proceeding brought pursuant to UAGPPJ.

New 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.

Prior law provided 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.

New 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)