The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

SB 94 Reengrossed 2016 Regular Session Colomb

Proposed law enacts the Louisiana Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Proposed law 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 herein.

Proposed law provides that a state court has jurisdiction for an interdiction proceeding brought pursuant to the provisions of the proposed law.

Present law provides that a state court has jurisdiction for a tutorship or curatorship proceeding if the minor, interdict, or absentee, is domiciled in or owns property in the state.

Proposed law denies a state court jurisdiction over a tutorship or curatorship proceeding for interdicts 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. 13:4251.101-4251.505)