

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 1720** Session of  
2011

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MARSICO AND VULAKOVICH, JUNE 24, 2011

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AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 19, 2011

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## AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, providing for uniform  
3 adult guardianship and protective proceedings jurisdiction.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 20 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 59

9 UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS

10 JURISDICTION

11 Subchapter

12 A. General Provisions

13 B. Jurisdiction

14 C. Transfer of Guardianship or Conservatorship

15 D. Registration and Recognition of Orders from Other States

16 E. Miscellaneous Provisions

1 SUBCHAPTER A

2 GENERAL PROVISIONS

3 Sec.

4 5901. Short title of chapter.

5 5902. Definitions.

6 5903. International application of chapter.

7 5904. Communication between courts.

8 5905. Cooperation between courts.

9 5906. Taking testimony in another state.

10 § 5901. Short title of chapter.

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

13 § 5902. Definitions.

14 The following words and phrases when used in this chapter  
15 shall have the meanings given to them in this section unless the  
16 context clearly indicates otherwise:

17 "Adult." An individual who has attained 18 years of age.

18 "Conservator." A person appointed by the court to administer  
19 the property of an adult, including a person appointed under  
20 Chapter 55 (relating to incapacitated persons) AS THE GUARDIAN ←  
21 OF THE ESTATE OF AN ADULT.

22 "Guardian." A person appointed by the court to make  
23 decisions regarding the person of an adult, including a person  
24 appointed under Chapter 55 (relating to incapacitated persons)  
25 AS THE GUARDIAN OF THE PERSON OF AN ADULT. ←

26 "Guardianship order." An order appointing a guardian.

27 "Guardianship proceeding." A judicial proceeding in which an  
28 order for the appointment of a guardian is sought or has been  
29 issued.

30 "Incapacitated person." An adult for whom a guardian has

1 been appointed.

2 "Party." The respondent, petitioner, guardian, conservator  
3 or any other person allowed by the court to participate in a  
4 guardianship or protective proceeding.

5 "Person." Notwithstanding 1 Pa.C.S. § 1991 (relating to  
6 definitions) and except in the term "incapacitated person" or  
7 "protected person," any:

8 (1) individual;

9 (2) corporation;

10 (3) business trust;

11 (4) estate;

12 (5) trust;

13 (6) partnership;

14 (7) limited liability company;

15 (8) association;

16 (9) joint venture;

17 (10) public corporation;

18 (11) government or governmental subdivision, agency or  
19 instrumentality; or

20 (12) other legal or commercial entity.

21 "Protected person." An adult for whom a protective order has  
22 been issued.

23 "Protective order." An order appointing a conservator or  
24 other order related to management of an adult's property.

25 "Protective proceeding." A judicial proceeding in which a  
26 protective order is sought or has been issued.

27 "Record." Information that is inscribed on a tangible medium  
28 or that is stored in an electronic or other medium and is  
29 retrievable in perceivable form.

30 "Respondent." An adult for whom a protective order or the

1 appointment of a guardian is sought.

2 "State." A state of the United States, the District of  
3 Columbia, Puerto Rico, the Virgin Islands, a federally  
4 recognized Indian tribe or any territory or insular possession  
5 subject to the jurisdiction of the United States.

6 § 5903. International application of chapter.

7 A court of this Commonwealth may treat a foreign country as  
8 if it were a state for the purpose of applying this subchapter  
9 and Subchapters B (relating to jurisdiction), C (relating to  
10 transfer of guardianship or conservatorship) and E (relating to  
11 miscellaneous provisions).

12 § 5904. Communication between courts.

13 (a) Authorization.--A court of this Commonwealth may  
14 communicate with a court in another state concerning a  
15 proceeding arising under this chapter. The court may allow the  
16 parties to participate in the communication. Except as otherwise  
17 provided in subsection (b), the court shall make a record of the  
18 communication. The record may be limited to the fact that the  
19 communication occurred.

20 (b) Exception.--Courts may communicate concerning schedules,  
21 calendars, court records and other administrative matters  
22 without making a record.

23 § 5905. Cooperation between courts.

24 (a) Initiation.--In a guardianship or protective proceeding  
25 in this Commonwealth, a court of this Commonwealth may request  
26 the appropriate court of another state to do any of the  
27 following:

28 (1) Hold an evidentiary hearing.

29 (2) Order a person in that state to produce evidence or  
30 give testimony pursuant to procedures of that state.

1       (3) Order that an evaluation or assessment be made of  
2 the respondent.

3       (4) Order any appropriate investigation of a person  
4 involved in a proceeding.

5       (5) Forward to the court of this Commonwealth a  
6 certified copy of the transcript or other record of a hearing  
7 under paragraph (1) or any other proceeding, any evidence  
8 otherwise produced under paragraph (2) and any evaluation or  
9 assessment prepared in compliance with an order under  
10 paragraph (3) or (4).

11       (6) Issue any order necessary to assure the appearance  
12 in the proceeding of a person whose presence is necessary for  
13 the court to make a determination, including the respondent  
14 or the incapacitated or protected person.

15       (7) Issue an order authorizing the release of medical,  
16 financial, criminal or other relevant information in that  
17 state, including protected health information as defined in  
18 45 CFR 160.103 (relating to definitions).

19       (8) TAKE OR REFRAIN FROM TAKING ANY OTHER ACTION TO  
20 FACILITATE THE PROMPT AND FAIR RESOLUTION OF MATTERS SUBJECT  
21 TO THIS CHAPTER.



22       (b) Response.--If a court of another state in which a  
23 guardianship or protective proceeding is pending requests  
24 assistance of the kind provided in subsection (a), a court of  
25 this Commonwealth has jurisdiction for the limited purpose of  
26 granting the request or making reasonable efforts to comply with  
27 the request.

28 § 5906. Taking testimony in another state.

29       (a) General procedures.--In a guardianship or protective  
30 proceeding, in addition to other procedures that may be

1 available, testimony of a witness who is located in another  
2 state may be offered by deposition or other means allowable in  
3 this Commonwealth for testimony taken in another state. The  
4 court on its own motion may order that the testimony of a  
5 witness be taken in another state and may prescribe the manner  
6 in which and the terms upon which the testimony is to be taken.

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

14 SUBCHAPTER B

15 JURISDICTION

16 Sec.

17 5911. Definitions; significant connection factors.

18 5912. Exclusive basis.

19 5913. Jurisdiction.

20 5914. Special jurisdiction.

21 5915. Exclusive and continuing jurisdiction.

22 5916. Appropriate forum.

23 5917. Jurisdiction declined by reason of conduct.

24 5918. Notice of proceeding.

25 5919. Proceedings in more than one state.

26 § 5911. Definitions; significant connection factors.

27 (a) Definitions.--The following words and phrases when used  
28 in this subchapter shall have the meanings given to them in this  
29 section unless the context clearly indicates otherwise:

30 "Emergency." A circumstance:

1           (1) which likely will result in substantial harm to a  
2 respondent's health, safety or welfare; and

3           (2) for which the appointment of a guardian is necessary  
4 because no other person has authority and is willing to act  
5 on the respondent's behalf.

6 "Home state." One of the following:

7           (1) The state in which the respondent was physically  
8 present, including any period of temporary absence, for at  
9 least six consecutive months immediately before the filing of  
10 a petition for a protective order or the appointment of a  
11 guardian.

12           (2) If the requirement of paragraph (1) is not met, the  
13 state in which the respondent was physically present,  
14 including any period of temporary absence, for at least six  
15 consecutive months ending within the six months prior to the  
16 filing of the petition.

17 "Significant-connection state." A state, other than the home  
18 state, with which a respondent has a significant connection  
19 other than mere physical presence and in which substantial  
20 evidence concerning the respondent is available.

21 (b) Significant connection factors.--In determining under  
22 sections 5913 (relating to jurisdiction) and 5921(e) (relating  
23 to transfer of guardianship or conservatorship to another state)  
24 whether a respondent has a significant connection with a  
25 particular state, the court shall consider all of the following:

26           (1) The location of the respondent's family and other  
27 persons required to be notified of the guardianship or  
28 protective proceeding.

29           (2) The length of time the respondent at any time was  
30 physically present in the state and the duration of any

1 absence.

2 (3) The location of the respondent's property.

3 (4) The extent to which the respondent has ties to the  
4 state. This paragraph includes voting registration, state or  
5 local tax return filing, vehicle registration, driver's  
6 license, social relationship and receipt of services.

7 § 5912. Exclusive basis.

8 ~~This~~ NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF CHAPTER ←  
9 55 (RELATING TO INCAPACITATED PERSONS), THIS subchapter provides  
10 the exclusive jurisdictional basis for a court of this  
11 Commonwealth to appoint a guardian or issue a protective order  
12 for an adult.

13 § 5913. Jurisdiction.

14 A court of this Commonwealth has jurisdiction to appoint a  
15 guardian or issue a protective order for a respondent if one of  
16 the following paragraphs applies:

17 (1) This Commonwealth is the respondent's home state.

18 (2) On the date the petition is filed, all of the  
19 following subparagraphs apply:

20 (i) This Commonwealth is a significant-connection  
21 state.

22 (ii) One of the following clauses applies:

23 (A) The respondent does not have a home state,  
24 or a court of the respondent's home state has  
25 declined to exercise jurisdiction because this  
26 Commonwealth is a more appropriate forum OR HAS ←  
27 DECLINED TO EXERCISE JURISDICTION IN A MANNER NOT  
28 INCONSISTENT WITH A DETERMINATION THAT THIS  
29 COMMONWEALTH IS A MORE APPROPRIATE FORUM.

30 (B) The respondent has a home state; a petition



1 for an appointment or order is not pending in a court  
2 of that state or another significant-connection  
3 state; and, before the court makes the appointment or  
4 issues the order:

5 (I) a petition for an appointment or order  
6 is not filed in the respondent's home state;

7 (II) an objection to the court's  
8 jurisdiction is not filed by a person required to  
9 be notified of the proceeding; and

10 (III) the court in this Commonwealth  
11 concludes that it is an appropriate forum under  
12 the factors set forth in section 5916 (relating  
13 to appropriate forum).

14 ~~(3) This Commonwealth does not have jurisdiction under~~ ←

15 (3) ALL OF THE FOLLOWING SUBPARAGRAPHS APPLY: ←

16 (I) THIS COMMONWEALTH DOES NOT HAVE JURISDICTION  
17 UNDER either paragraph (1) or (2), ~~the.~~ ←

18 (II) THE respondent's home state and all  
19 significant-connection states have declined to exercise  
20 jurisdiction because this Commonwealth is the more  
21 appropriate forum and jurisdiction OR HAS DECLINED TO ←

22 EXERCISE JURISDICTION IN A MANNER NOT INCONSISTENT WITH A  
23 DETERMINATION THAT THIS COMMONWEALTH IS A MORE  
24 APPROPRIATE FORUM.

25 (III) JURISDICTION in this Commonwealth is  
26 consistent with the Constitution of the United States and  
27 the Constitution of Pennsylvania.

28 (4) The requirements for special jurisdiction under  
29 section 5914 (relating to special jurisdiction) are met.

30 § 5914. Special jurisdiction.

1 (a) Scope.--A NOTWITHSTANDING THE REQUIREMENTS OF SECTION ←  
2 5513 (RELATING TO EMERGENCY GUARDIAN) AS IT RELATES TO LIMITING  
3 THE DURATION OF AN ORDER APPOINTING AN EMERGENCY GUARDIAN OF THE  
4 PERSON OR ESTATE, A court of this Commonwealth lacking  
5 jurisdiction under section 5913(1), (2) or (3) (relating to  
6 jurisdiction) has special jurisdiction to do any of the  
7 following:

8 (1) Appoint a guardian in an emergency for a term not  
9 exceeding 90 days for a respondent who is physically present  
10 in this Commonwealth.

11 (2) Issue a protective order with respect to real or  
12 tangible personal property located in this Commonwealth, ←  
13 INCLUDING, IN AN EMERGENCY, A PROTECTIVE ORDER FOR A TERM NOT  
14 EXCEEDING 90 DAYS.

15 (3) Appoint a guardian or conservator for an  
16 incapacitated or protected person for whom a provisional  
17 order to transfer the proceeding from another state has been  
18 issued under procedures similar to section 5921 (relating to  
19 transfer of guardianship or conservatorship to another  
20 state).

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

28 § 5915. Exclusive and continuing jurisdiction.

29 Except as otherwise provided in section 5914 (relating to  
30 special jurisdiction), a court that has appointed a guardian or

1 issued a protective order consistent with this chapter has  
2 exclusive and continuing jurisdiction over the proceeding until  
3 it is terminated by the court or the appointment or order  
4 expires by its own terms.

5 § 5916. Appropriate forum.

6 (a) Decline to exercise jurisdiction.--A court of this  
7 Commonwealth having jurisdiction under section 5913 (relating to  
8 jurisdiction) to appoint a guardian or issue a protective order  
9 may decline to exercise its jurisdiction if it determines at any  
10 time that a court of another state is a more appropriate forum.

11 (b) Procedure.--If a court of this Commonwealth declines to  
12 exercise its jurisdiction under subsection (a), it shall either  
13 dismiss or stay the proceeding. The court may impose any  
14 condition the court considers just and proper, including the  
15 condition that a petition for the appointment of a guardian or  
16 issuance of a protective order be filed promptly in another  
17 state.

18 (c) Consideration.--In determining whether it is an  
19 appropriate forum, the court shall consider all relevant  
20 factors, including:

21 (1) any expressed preference of the respondent;

22 (2) whether abuse, neglect or exploitation of the  
23 respondent has occurred or is likely to occur and which state  
24 could best protect the respondent from the abuse, neglect or  
25 exploitation;

26 (3) the length of time the respondent was physically  
27 present in or was a legal resident of this Commonwealth or  
28 another state;

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

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

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

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

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

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

11 § 5917. Jurisdiction declined by reason of conduct.

12       (a) Judicial options.--If a court of this Commonwealth  
13 determines that it acquired jurisdiction to appoint a guardian  
14 or issue a protective order because of unjustifiable conduct,  
15 the court may exercise an option under any of the following  
16 paragraphs:

17           (1) Decline to exercise jurisdiction.

18           (2) Exercise jurisdiction for the limited purpose of  
19 fashioning an appropriate remedy to:

20               (i) ensure the health, safety and welfare of the  
21 respondent or the protection of the respondent's  
22 property; or

23               (ii) prevent a repetition of the unjustifiable  
24 conduct, including staying the proceeding until a  
25 petition for the appointment of a guardian or issuance of  
26 a protective order is filed in a court of another state  
27 having jurisdiction.

28           (3) Continue to exercise jurisdiction after considering:

29               (i) the extent to which the respondent and all  
30 persons required to be notified of the proceedings have

1 acquiesced in the exercise of the court's jurisdiction;

2 (ii) whether it is a more appropriate forum than the  
3 court of any other state under the factors set forth in  
4 section 5916(c) (relating to appropriate forum); and

5 (iii) whether the court of any other state would  
6 have jurisdiction under factual circumstances in  
7 substantial conformity with the jurisdictional standards  
8 of section 5913 (relating to jurisdiction).

9 (b) Costs and fees.--If a court of this Commonwealth  
10 determines that it acquired jurisdiction to appoint a guardian  
11 or issue a protective order because a party seeking to invoke  
12 its jurisdiction engaged in unjustifiable conduct, it may assess  
13 against that party necessary and reasonable expenses, including  
14 attorney fees, investigative fees, court costs, communication  
15 expenses, witness fees and expenses and travel expenses. The  
16 court may not assess fees, costs or expenses of any kind against  
17 the Commonwealth, a political subdivision or an instrumentality  
18 of the Commonwealth unless authorized by law other than this  
19 chapter.

20 § 5918. Notice of proceeding.

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

30 § 5919. Proceedings in more than one state.

1 Except for a petition for the appointment of a guardian in an  
2 emergency or issuance of a protective order limited to property  
3 located in this Commonwealth under section 5914(a)(1) or (2)  
4 (relating to special jurisdiction), if a petition for the  
5 appointment of a guardian or issuance of a protective order is  
6 filed in this Commonwealth and in another state and neither  
7 petition has been dismissed or withdrawn, all of the following  
8 apply:

9 (1) If the court in this Commonwealth has jurisdiction  
10 under section 5913 (relating to jurisdiction), it may proceed  
11 with the case unless a court in another state acquires  
12 jurisdiction under provisions similar to section 5913 before  
13 the appointment or issuance of the order.

14 (2) If the court in this Commonwealth does not have  
15 jurisdiction under section 5913, whether at the time the  
16 petition is filed or at any time before the appointment or  
17 issuance of the order, the court shall stay the proceeding  
18 and communicate with the court in the other state. If the  
19 court in the other state has jurisdiction, the court in this  
20 Commonwealth shall dismiss the petition unless the court in  
21 the other state determines that the court in this  
22 Commonwealth is a more appropriate forum.

23 SUBCHAPTER C

24 TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP

25 Sec.

26 5921. Transfer of guardianship or conservatorship to another  
27 state.

28 5922. Accepting guardianship or conservatorship transferred  
29 from another state.

30 § 5921. Transfer of guardianship or conservatorship to another

1           state.

2       (a) Petition.--A guardian or conservator appointed in this  
3 Commonwealth may petition the court to transfer the guardianship  
4 or conservatorship to another state.

5       (b) Notice.--Notice of a petition under subsection (a) must  
6 be given to the persons that would be entitled to notice of a  
7 petition in this Commonwealth for the appointment of a guardian  
8 or conservator.

9       (c) Hearing.--The court shall hold a hearing on a petition  
10 filed under subsection (a):

11           (1) on its own motion; or

12           (2) on request of:

13               (i) the guardian or conservator;

14               (ii) the incapacitated or protected person; or

15               (iii) another person required to be notified of the  
16 petition.

17       (d) Provisional guardianship order.--The court shall issue  
18 an order provisionally granting a petition to transfer a  
19 guardianship and shall direct the guardian to petition for  
20 guardianship in the other state if the court is satisfied that  
21 the guardianship will be accepted by the court in the other  
22 state and the court finds that:

23           (1) the incapacitated person is physically present in or  
24 is reasonably expected to move permanently to the other  
25 state;

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

30           (3) plans for care and services for the incapacitated

1 person in the other state are reasonable and sufficient.

2 (e) Provisional conservatorship order.--The court shall  
3 issue a provisional order granting a petition to transfer a  
4 conservatorship and shall direct the conservator to petition for  
5 conservatorship in the other state if the court is satisfied  
6 that the conservatorship will be accepted by the court of the  
7 other state and the court finds that:

8 (1) the protected person is physically present in or is  
9 reasonably expected to move permanently to the other state,  
10 or the protected person has a significant connection to the  
11 other state considering the factors in section 5911(b)  
12 (relating to definitions; significant connection factors);

13 (2) an objection to the transfer has not been made or,  
14 if an objection has been made, the objector has not  
15 established that the transfer would be contrary to the  
16 interests of the protected person; and

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

19 (f) Final order.--The court shall issue a final order  
20 confirming the transfer and terminating the guardianship or  
21 conservatorship upon its receipt of:

22 (1) a provisional order accepting the proceeding from  
23 the court to which the proceeding is to be transferred which  
24 is issued under provisions similar to section 5922 (relating  
25 to accepting guardianship or conservatorship transferred from  
26 another state); and

27 (2) the documents required to terminate a guardianship  
28 or conservatorship in this Commonwealth.

29 § 5922. Accepting guardianship or conservatorship transferred  
30 from another state.



1 (a) Petition.--To confirm transfer of a guardianship or  
2 conservatorship transferred to this Commonwealth under  
3 provisions similar to section 5921 (relating to transfer of  
4 guardianship or conservatorship to another state), the guardian  
5 or conservator must petition the court in this Commonwealth to  
6 accept the guardianship or conservatorship. The petition must  
7 include a certified copy of the other state's provisional order  
8 of transfer.

9 (b) Notice.--Notice of a petition under subsection (a) must  
10 be given to those persons that would be entitled to notice if  
11 the petition were a petition for the appointment of a guardian  
12 or issuance of a protective order in both the transferring state  
13 and this Commonwealth. The notice must be given in the same  
14 manner as notice is required to be given in this Commonwealth.

15 (c) Hearing.--The court shall hold a hearing on a petition  
16 filed under subsection (a):

17 (1) on its own motion; or

18 (2) on request of:

19 (i) the guardian or conservator;

20 (ii) the incapacitated or protected person; or

21 (iii) another person required to be notified of the  
22 petition.

23 (d) Provisional order.--The court shall issue an order  
24 provisionally granting a petition filed under subsection (a)  
25 unless:

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

29 (2) the guardian or conservator is ineligible for  
30 appointment in this Commonwealth.

1 (e) Final order.--The court shall issue a final order  
2 accepting the proceeding and appointing the guardian or  
3 conservator as guardian or conservator in this Commonwealth upon  
4 its receipt from the court from which the proceeding is being  
5 transferred of a final order issued under provisions similar to  
6 section 5921 transferring the proceeding to this Commonwealth.

7 (f) Modification.--Not later than 90 days after issuance of  
8 a final order accepting transfer of a guardianship or  
9 conservatorship, the court shall determine whether the  
10 guardianship or conservatorship requires modification to conform  
11 to the laws of this Commonwealth.

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

18 (h) Effect of denial.--The denial by a court of this  
19 Commonwealth of a petition to accept a guardianship or  
20 conservatorship transferred from another state does not affect  
21 the ability of the guardian or conservator to seek appointment  
22 as guardian or conservator in this Commonwealth under Chapter 55  
23 (relating to incapacitated persons) if the court has  
24 jurisdiction to make an appointment other than by reason of the  
25 provisional order of transfer.

26 SUBCHAPTER D

27 REGISTRATION AND RECOGNITION OF ORDERS FROM OTHER STATES

28 Sec.

29 5931. Registration of guardianship orders.

30 5932. Registration of protective orders.

1 5933. Effect of registration.

2 § 5931. Registration of guardianship orders.

3 If a guardian has been appointed in another state and a  
4 petition for the appointment of a guardian is not pending in  
5 this Commonwealth, the guardian appointed in the other state,  
6 after giving notice to the appointing court of an intent to  
7 register, may register the guardianship order in this  
8 Commonwealth by filing as a foreign judgment in a court, in any  
9 appropriate judicial district of this Commonwealth, certified  
10 copies of the order and letters of office.

11 § 5932. Registration of protective orders.

12 If a conservator has been appointed in another state and a  
13 petition for a protective order is not pending in this  
14 Commonwealth, the conservator appointed in the other state,  
15 after giving notice to the appointing court of an intent to  
16 register, may register the protective order in this Commonwealth  
17 by filing as a foreign judgment in a court of this Commonwealth,  
18 in any judicial district in which property belonging to the  
19 protected person is located, certified copies of the order and  
20 letters of office and of any bond.

21 § 5933. Effect of registration.

22 (a) Powers.--Upon registration of a guardianship or  
23 protective order from another state, the guardian or conservator  
24 may exercise in this Commonwealth all powers authorized in the  
25 order of appointment except as prohibited under the laws of this  
26 Commonwealth, including maintaining actions and proceedings in  
27 this Commonwealth and, if the guardian or conservator is not a  
28 resident of this Commonwealth, subject to any conditions imposed  
29 upon nonresident parties.

30 (b) Relief authorized.--A court of this Commonwealth may

1 grant any relief available under this chapter and other law of  
2 this Commonwealth to enforce a registered order.

3 SUBCHAPTER E

4 MISCELLANEOUS PROVISIONS

5 Sec.

6 5991. Uniformity of application and construction.

7 5992. Relation to Electronic Signatures in Global and National  
8 Commerce Act.

9 § 5991. Uniformity of application and construction.

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

13 § 5992. Relation to Electronic Signatures in Global and  
14 National Commerce Act.

15 (a) General rule.--Except as set forth in subsection (b),  
16 this chapter modifies, limits or supersedes the Electronic  
17 Signatures in Global and National Commerce Act (Public Law  
18 106-229, 15 U.S.C. § 7001 et seq.).

19 (b) Exceptions.--

20 (1) This chapter does not modify, limit or supersede  
21 section 101(c) of the Electronic Signatures in Global and  
22 National Commerce Act (15 U.S.C. § 7001(c)).

23 (2) This chapter does not authorize electronic delivery  
24 of any of the notices described in section 103(b) of the  
25 Electronic Signatures in Global and National Commerce Act (15  
26 U.S.C. § 7003(b)).

27 Section 2. Applicability is as follows:

28 (1) Subject to paragraph (2), the addition of 20 Pa.C.S.  
29 Ch. 59 applies to guardianship and protective proceedings  
30 begun on or after the effective date of this act.

1           (2) The addition of the following provisions of 20  
2 Pa.C.S. Ch. 59 apply to proceedings begun before the  
3 effective date of this section, regardless of whether a  
4 guardianship or protective order has been issued:

5           (i) Subchapter A.

6           (ii) Subchapter C.

7           (iii) Subchapter D.

8           (iv) Subchapter E.

9 Section 3. This act shall take effect in 60 days.