

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 213**  
**96TH GENERAL ASSEMBLY**

0439L.06C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 194.115, 475.060, and 475.061, RSMo, and to enact in lieu thereof twenty-seven new sections relating to guardianship, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 194.115, 475.060, and 475.061, RSMo, are repealed and twenty-  
2 seven new sections enacted in lieu thereof, to be known as sections 194.115, 475.060, 475.061,  
3 475.501, 475.502, 475.503, 475.504, 475.505, 475.506, 475.521, 475.522, 475.523, 475.524,  
4 475.525, 475.526, 475.527, 475.528, 475.529, 475.531, 475.532, 475.541, 475.542, 475.543,  
5 475.544, 475.551, 475.552, and 475.555, to read as follows:

194.115. 1. Except when ordered or directed by a public officer, court of record or  
2 agency authorized by law to order an autopsy or postmortem examination, it is unlawful for any  
3 licensed physician and surgeon to perform an autopsy or postmortem examination upon the  
4 remains of any person without the consent of one of the following:

5 (1) The deceased, if in writing, and duly signed and acknowledged prior to his death; or

6 (2) A person designated by the deceased in a durable power of attorney that expressly  
7 refers to the giving of consent to an autopsy or postmortem examination; or

8 (3) The surviving spouse; or

9 (4) If the surviving spouse through injury, illness or mental capacity is incapable of  
10 giving his or her consent, or if the surviving spouse is unknown, or his or her address unknown  
11 or beyond the boundaries of the United States, or if he or she has been separated and living apart  
12 from the deceased, or if there is no surviving spouse, then any surviving child, parent, brother  
13 or sister, in the order named; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (5) If no surviving child, parent, brother or sister can be contacted by telephone or  
15 telegraph, then any other relative, by blood or marriage; or

16 (6) If there are no relatives who assume the right to control the disposition of the  
17 remains, then any person, friend or friends who assume such responsibility.

18 **2. If an individual through injury, illness, or mental capacity is incapable of giving**  
19 **consent prior to his or her death as contemplated by subdivision (1) of subsection 1 of this**  
20 **section, then any child, parent, brother or sister of said individual may petition the court**  
21 **to order that an autopsy or postmortem examination shall be performed upon the remains**  
22 **of said individual following his or her passing.**

23 **3.** If the surviving spouse, child, parent, brother or sister hereinabove mentioned is under  
24 the age of twenty-one years, but over the age of sixteen years, such minor shall be deemed of age  
25 for the purpose of granting the consent hereinabove required.

26 [3.] **4.** Any licensed physician and surgeon performing an autopsy or postmortem  
27 examination with the consent of any of the persons enumerated in subsection 1 of this section  
28 shall use his judgment as to the scope and extent to be performed, and shall be in no way liable  
29 for such action.

30 [4.] **5.** It is unlawful for any licensed physician, unless specifically authorized by law,  
31 to hold a postmortem examination on any unclaimed dead without the consent required by  
32 section 194.170.

33 [5.] **6.** Any person not a licensed physician performing an autopsy or any licensed  
34 physician performing an autopsy without the authorization herein required shall upon conviction  
35 be adjudged guilty of a misdemeanor, and subject to the penalty provided for in section 194.180.

36 [6.] **7.** If an autopsy is performed on a deceased patient and an autopsy report is prepared,  
37 such report shall be made available upon request to the personal representative or administrator  
38 of the estate of the deceased, the surviving spouse, any surviving child, parent, brother or sister  
39 of the deceased.

475.060. **1.** Any person may file a petition for the appointment of himself **or herself** or  
2 some other qualified person as guardian of a minor [or guardian of an incapacitated person].  
3 Such petition shall state:

4 (1) The name, age, domicile, actual place of residence and post office address of the  
5 minor [or incapacitated person] if known and if any of these facts is unknown, the efforts made  
6 to ascertain that fact;

7 (2) The estimated value of [his] **the minor's** real and personal property, **and the location**  
8 **and value of any real property owned by the minor outside of this state;**

9 (3) If the minor [or incapacitated person] has no domicile or place of residence in this  
10 state, the county in which the property or major part thereof of the minor [or incapacitated  
11 person] is located;

12 (4) The name and address of the parents of the minor [or incapacitated person] and  
13 whether they are living or dead;

14 (5) The name and address of the spouse, and the names, ages and addresses of all living  
15 children of the minor [or incapacitated person];

16 (6) The name and address of the person having custody of the person of the minor [or  
17 incapacitated person];

18 (7) The name and address of any guardian of the person or conservator of the estate of  
19 the minor [or incapacitated person] appointed in this or any other state;

20 (8) If appointment is sought for a natural person, other than the public administrator, the  
21 names and addresses of wards and disabled persons for whom such person is already guardian  
22 or conservator;

23 (9) [In the case of an incapacitated person, the fact that the person for whom  
24 guardianship is sought is unable by reason of some specified physical or mental condition to  
25 receive and evaluate information or to communicate decisions to such an extent that the person  
26 lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such  
27 that serious physical injury, illness or disease is likely to occur] **The name and address of the  
28 trustees and the purpose of any trust of which the minor is a qualified beneficiary;**

29 (10) The reasons why the appointment of a guardian is sought;

30 (11) A petition for the appointment of a guardian of a minor may be filed for the sole and  
31 specific purpose of school registration or medical insurance coverage. Such a petition shall  
32 clearly set out this limited request and shall not be combined with a petition for conservatorship.

33 **2. Any person may file a petition for the appointment of himself or herself or some  
34 other qualified person as guardian of an incapacitated person. Such petition shall state:**

35 (1) **If known, the name, age, domicile, actual place of residence, and post office  
36 address of the alleged incapacitated person, and for the period of three years before the  
37 filing of the petition, the most recent addresses, up to three, at which the alleged  
38 incapacitated person lived prior to the most recent address, and if any of these facts is  
39 unknown, the efforts made to ascertain that fact. In the case of a petition filed by a public  
40 official in his or her official capacity, the information required by this subdivision need  
41 only be supplied to the extent it is reasonably available to the petitioner;**

42 (2) **The estimated value of the alleged incapacitated person's real and personal  
43 property, and the location and value of any real property owned by the alleged  
44 incapacitated person outside of this state;**

45           **(3) If the alleged incapacitated person has no domicile or place of residence in this**  
46 **state, the county in which the property or major part thereof of the alleged incapacitated**  
47 **person is located;**

48           **(4) The name and address of the parents of the alleged incapacitated person and**  
49 **whether they are living or dead;**

50           **(5) The name and address of the spouse, the names, ages, and addresses of all living**  
51 **children of the alleged incapacitated person, the names and addresses of the alleged**  
52 **incapacitated person's closest known relatives, and the names and relationship, if known,**  
53 **of any adults living with the alleged incapacitated person; if no spouse, adult child, or**  
54 **parent is listed, the names and addresses of the siblings and children of deceased siblings**  
55 **of the alleged incapacitated person; the name and address of any agent appointed by the**  
56 **alleged incapacitated person in any durable power of attorney, and of the presently acting**  
57 **trustees of any trust of which the alleged incapacitated person is the grantor or is a**  
58 **qualified beneficiary or is or was the trustee or co-trustee and the purpose of the power of**  
59 **attorney or trust;**

60           **(6) The name and address of the person having custody of the person of the alleged**  
61 **incapacitated person;**

62           **(7) The name and address of any guardian of the person or conservator of the**  
63 **estate of the alleged incapacitated person appointed in this or any other state;**

64           **(8) If appointment is sought for a natural person, other than the public**  
65 **administrator, the names and addresses of wards and disabled persons for whom such**  
66 **person is already guardian or conservator;**

67           **(9) The fact that the person for whom guardianship is sought is unable by reason**  
68 **of some specified physical or mental condition to receive and evaluate information or to**  
69 **communicate decisions to such an extent that the person lacks capacity to meet essential**  
70 **requirements for food, clothing, shelter, safety, or other care such that serious physical**  
71 **injury, illness, or disease is likely to occur;**

72           **(10) The reasons why the appointment of a guardian is sought.**

475.061. 1. Any person may file a petition in the probate division of the circuit court of  
2 the county of proper venue for the appointment of himself or some other qualified person as  
3 conservator of the estate of a minor or disabled person. The petition shall contain the same  
4 allegations as are set forth in subdivisions (1), (8), and (10) of subsection 2 of section 475.060  
5 with respect to the appointment of a guardian for an incapacitated person and, in addition thereto,  
6 an allegation that the respondent is unable by reason of some specific physical or mental  
7 condition to receive and evaluate information or to communicate decisions to such an extent that

8 the respondent lacks ability to manage his financial resources or that the respondent is under the  
9 age of eighteen years.

10 2. A petition for appointment of a conservator or limited conservator of the estate may  
11 be combined with a petition for appointment of a guardian or limited guardian of the person. In  
12 such a combined petition allegations need not be repeated.

## ARTICLE 1

### GENERAL PROVISIONS

2 **475.501.** Sections 475.501 to 475.555 may be cited as the "Uniform Adult  
Guardianship and Protective Proceedings Jurisdiction Act".

2 **475.502.** Notwithstanding the definitions in section 475.010, when used in sections  
2 475.501 to 475.555, the following terms mean:

- 3 (1) "Adult", an individual who has attained eighteen years of age;
- 4 (2) "Conservator", a person appointed by the court to administer the property of  
5 an adult, including a person appointed under this chapter;
- 6 (3) "Guardian", a person appointed by the court to make decisions regarding the  
7 person of an adult, including a person appointed under this chapter;
- 8 (4) "Guardianship order", an order appointing a guardian;
- 9 (5) "Guardianship proceeding", a proceeding in which an order for the  
10 appointment of a guardian is sought or has been issued;
- 11 (6) "Incapacitated person", an adult for whom a guardian has been appointed;
- 12 (7) "Party", the respondent, petitioner, guardian, conservator, or any other person  
13 allowed by the court to participate in a guardianship or protective proceeding;
- 14 (8) "Person", except in the term "incapacitated person" or "protected person", an  
15 individual, corporation, business trust, estate, trust, partnership, limited liability company,  
16 association, joint venture, public corporation, government or governmental subdivision,  
17 agency, or instrumentality, or any other legal or commercial entity;
- 18 (9) "Protected person", an adult for whom a protective order has been issued;
- 19 (10) "Protective order", an order appointing a conservator or other order related  
20 to management of an adult's property;
- 21 (11) "Protective proceeding", a judicial proceeding in which a protective order is  
22 sought or has been issued;
- 23 (12) "Record", information that is inscribed on a tangible medium or that is stored  
24 in an electronic or other medium and is retrievable in perceivable form;
- 25 (13) "Respondent", an adult for whom a protective order or the appointment of a  
26 guardian is sought;

27           (14) "State", a state of the United States, the District of Columbia, Puerto Rico, the  
28 United States Virgin Islands, a federally recognized Indian tribe, or any territory or  
29 insular possession subject to the jurisdiction of the United States.

**475.503.** A court of this state may treat a foreign country as if it were a state for the  
2 purpose of applying this article and articles 2, 3, and 5.

**475.504. 1.** A court of this state may communicate with a court in another state  
2 concerning a proceeding arising under sections 475.501 to 475.555. The court may allow  
3 the parties to participate in the communication. Except as otherwise provided in  
4 subsection 2 of this section, the court shall make a record of the communication. The  
5 record may be limited to the fact that the communication occurred.

**2.** Courts may communicate concerning schedules, calendars, court records, and  
7 other administrative matters without making a record.

**475.505. 1.** In a guardianship or protective proceeding in this state, a court of this  
2 state may request the appropriate court of another state to:

3           (1) Hold an evidentiary hearing;

4           (2) Order a person in that state to produce evidence or give testimony pursuant to  
5 procedures of that state;

6           (3) Order that an evaluation or assessment be made of the respondent;

7           (4) Order any appropriate investigation of a person involved in a proceeding;

8           (5) Forward to the court of this state a certified copy of the transcript or other  
9 record of a hearing under subdivision (1) of subsection 1 of this section or any other  
10 proceeding, any evidence otherwise produced under subdivision (2) of subsection 1 of this  
11 section, and any evaluation or assessment prepared in compliance with an order under  
12 subdivisions (3) and (4) of subsection 1 of this section;

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

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

**2.** If a court of another state in which a guardianship or protective proceeding is  
20 pending requests assistance of the kind provided in subsection 1 of this section, a court of  
21 this state has jurisdiction for the limited purpose of granting the request or making  
22 reasonable efforts to comply with the request.

**475.506. 1.** In a guardianship or protective proceeding, in addition to other  
2 procedures that may be available, testimony of a witness who is located in another state

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

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

11         3. Documentary evidence transmitted from another state to a court of this state by  
12 technological means that do not produce an original writing may not be excluded from  
13 evidence on an objection based on the best evidence rule.

## ARTICLE 2 JURISDICTION

475.521. 1. In this article, the following terms mean:

2         (1) "Emergency", a circumstance that likely will result in substantial harm to a  
3 respondent's health, safety, or welfare, and for which the appointment of a guardian is  
4 necessary because no other person has authority and is willing to act on the respondent's  
5 behalf;

6         (2) "Home state", the state in which the respondent was physically present,  
7 including any period of temporary absence, for at least six consecutive months immediately  
8 before the filing of a petition for a protective order or the appointment of a guardian; or  
9 if none, the state in which the respondent was physically present, including any period of  
10 temporary absence, for at least six consecutive months ending within the six months prior  
11 to the filing of the petition;

12         (3) "Significant-connection state", a state, other than the home state, with which  
13 a respondent has a significant connection other than mere physical presence and in which  
14 substantial evidence concerning the respondent is available.

15         2. In determining under section 475.523 and subsection 5 of section 475.531  
16 whether a respondent has a significant connection with a particular state, the court shall  
17 consider:

18         (1) The location of the respondent's family and other persons required to be  
19 notified of the guardianship or protective proceeding;

20         (2) The length of time the respondent at any time was physically present in the state  
21 and the duration of any absence;

22         (3) The location of the respondent's property; and

23           (4) The extent to which the respondent has ties to the state such as voting  
24 registration, state or local tax return filing, vehicle registration, driver's license, social  
25 relationship, and receipt of services.

**475.522.** This article provides the exclusive jurisdictional basis for a court of this  
2 state to appoint a guardian or issue a protective order for an adult.

**475.523.** A court of this state has jurisdiction to appoint a guardian or issue a  
2 protective order for a respondent if:

3           (1) This state is the respondent's home state;

4           (2) On the date a petition is filed, this state is a significant-connection state and:

5           (a) The respondent does not have a home state or a court of the respondent's home  
6 state has declined to exercise jurisdiction because this state is a more appropriate forum;  
7 or

8           (b) The respondent has a home state, a petition for an appointment or order is not  
9 pending in a court of that state or another significant-connection state, and, before the  
10 court makes the appointment or issues the order:

11           a. A petition for an appointment or order is not filed in the respondent's home  
12 state;

13           b. An objection to the court's jurisdiction is not filed by a person required to be  
14 notified of the proceeding; and

15           c. The court in this state concludes that it is an appropriate forum under the factors  
16 set forth in section 475.526;

17           (3) This state does not have jurisdiction under either subdivisions (1) or (2) of this  
18 section, the respondent's home state and all significant-connection states have declined to  
19 exercise jurisdiction because this state is the more appropriate forum, and jurisdiction in  
20 this state is consistent with the constitutions of this state and the United States; or

21           (4) The requirements for special jurisdiction under section 475.524 are met.

**475.524. 1.** A court of this state lacking jurisdiction under section 475.523 has  
2 special jurisdiction to do any of the following:

3           (1) Appoint a guardian in an emergency for a term not exceeding ninety days for  
4 a respondent who is physically present in this state;

5           (2) Issue a protective order with respect to real or tangible personal property  
6 located in this state;

7           (3) Appoint a guardian or conservator for an incapacitated or protected person for  
8 whom a provisional order to transfer the proceeding from another state has been issued  
9 under procedures similar to section 475.531.

10           **2. If a petition for the appointment of a guardian in an emergency is brought in this**  
11 **state and this state was not the respondent's home state on the date the petition was filed,**  
12 **the court shall dismiss the proceeding at the request of the court of the home state, if any,**  
13 **whether dismissal is requested before or after the emergency appointment.**

**475.525. Except as otherwise provided in section 475.524, a court that has**  
2 **appointed a guardian or issued a protective order consistent with sections 475.501 to**  
3 **475.555 has exclusive and continuing jurisdiction over the proceeding until it is terminated**  
4 **by the court or the appointment or order expires by its own terms.**

**475.526. 1. A court of this state having jurisdiction under section 475.523 to**  
2 **appoint a guardian or issue a protective order may decline to exercise its jurisdiction if it**  
3 **determines at any time that a court of another state is a more appropriate forum.**

4           **2. If a court of this state declines to exercise its jurisdiction under subsection 1 of**  
5 **this section, it shall either dismiss or stay the proceeding. The court may impose any**  
6 **condition the court considers just and proper, including the condition that a petition for**  
7 **the appointment of a guardian or protective order be promptly filed in another state.**

8           **3. In determining whether it is an appropriate forum, the court shall consider all**  
9 **relevant factors, including:**

10           **(1) Any expressed preference of the respondent;**

11           **(2) Whether abuse, neglect, or exploitation of the respondent has occurred or is**  
12 **likely to occur and which state could best protect the respondent from the abuse, neglect,**  
13 **or exploitation;**

14           **(3) The length of time the respondent was physically present in or was a legal**  
15 **resident of this or another state;**

16           **(4) The distance of the respondent from the court in each state;**

17           **(5) The financial circumstances of the respondent's estate;**

18           **(6) The nature and location of the evidence;**

19           **(7) The ability of the court in each state to decide the issue expeditiously and the**  
20 **procedures necessary to present evidence;**

21           **(8) The familiarity of the court of each state with the facts and issues in the**  
22 **proceeding; and**

23           **(9) If an appointment were made, the court's ability to monitor the conduct of the**  
24 **guardian or conservator.**

**475.527. 1. If at any time a court of this state determines that it acquired**  
2 **jurisdiction to appoint a guardian or issue a protective order because of unjustifiable**  
3 **conduct, the court may:**

4           **(1) Decline to exercise jurisdiction;**

5           (2) Exercise jurisdiction for the limited purpose of fashioning an appropriate  
6 remedy to ensure the health, safety, and welfare of the respondent or the protection of the  
7 respondent's property or prevent a repetition of the unjustifiable conduct, including  
8 staying the proceeding until a petition for the appointment of a guardian or issuance of a  
9 protective order is filed in a court of another state having jurisdiction; or

10           (3) Continue to exercise jurisdiction after considering:

11           (a) The extent to which the respondent and all persons required to be notified of  
12 the proceedings have acquiesced in the exercise of the court's jurisdiction;

13           (b) Whether it is a more appropriate forum than the court of any other state under  
14 the factors set forth in subsection 3 of section 475.526; and

15           (c) Whether the court of any other state would have jurisdiction under factual  
16 circumstances in substantial conformity with the jurisdictional standards of section  
17 475.523.

18           2. If a court of this state determines that it acquired jurisdiction to appoint a  
19 guardian or issue a protective order because a party seeking to invoke its jurisdiction  
20 engaged in unjustifiable conduct, it may assess against that party necessary and reasonable  
21 expenses, including attorney's fees, investigative fees, court costs, communication expenses,  
22 witness fees and expenses, and travel expenses. The court may not assess fees, costs, or  
23 expenses of any kind against this state or a governmental subdivision, agency, or  
24 instrumentality of this state unless authorized by law other than sections 475.501 to  
25 475.555.

          475.528. If a petition for the appointment of a guardian or issuance of a protective  
2 order is brought in this state and this state was not the respondent's home state on the date  
3 the petition was filed, in addition to complying with the notice requirements of this state,  
4 notice of the petition shall be given to those persons who would be entitled to notice of the  
5 petition if a proceeding were brought in the respondent's home state. The notice shall be  
6 given in the same manner as notice is required to be given in this state.

          475.529. Except for a petition for the appointment of a guardian in an emergency  
2 or issuance of a protective order limited to property located in this state as provided in  
3 subdivision (1) or (2) of subsection 1 of section 475.524, if a petition for the appointment  
4 of a guardian or issuance of a protective order is filed in this and in another state and  
5 neither petition has been dismissed or withdrawn, the following rules apply:

6           (1) If the court in this state has jurisdiction under section 475.523, it may proceed  
7 with the case unless a court in another state acquires jurisdiction under provisions similar  
8 to section 475.523 before the appointment or issuance of the order.

9           (2) If the court in this state does not have jurisdiction under section 475.523,  
10 whether at the time the petition is filed or at any time before the appointment or issuance  
11 of the order, the court shall stay the proceeding and communicate with the court in the  
12 other state. If the court in the other state has jurisdiction, the court in this state shall  
13 dismiss the petition unless the court in the other state determines that the court in this state  
14 is a more appropriate forum.

### ARTICLE 3

#### TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP

2           475.531. 1. A guardian or conservator appointed in this state may petition the  
3 court to transfer the guardianship or conservatorship to another state.

4           2. Notice of a petition under subsection 1 of this section shall be given to those  
5 persons that would be entitled to notice of a petition in this state for the appointment of a  
6 guardian or conservator.

7           3. On the court's own motion or on request of the guardian or conservator, the  
8 incapacitated or protected person, or other person required to be notified of the petition,  
9 the court shall hold a hearing on a petition filed pursuant to subsection 1 of this section.

10           4. The court shall issue an order provisionally granting a petition to transfer a  
11 guardianship and shall direct the guardian to petition for guardianship in the other state  
12 if the court is satisfied that the guardianship will be accepted by the court in the other state  
13 and the court finds that:

14           (1) The incapacitated person is physically present in or is reasonably expected to  
15 move permanently to the other state;

16           (2) An objection to the transfer has not been made or, if an objection has been  
17 made, the objector has not established that the transfer would be contrary to the interests  
18 of the incapacitated person; and

19           (3) Plans for care and services for the incapacitated person in the other state are  
20 reasonable and sufficient.

21           5. The court shall issue a provisional order granting a petition to transfer a  
22 conservatorship and shall direct the conservator to petition for conservatorship in the  
23 other state if the court is satisfied that the conservatorship will be accepted by the court of  
24 the other state and the court finds that:

25           (1) The protected person is physically present in or is reasonably expected to move  
26 permanently to the other state, or the protected person has a significant connection to the  
other state considering the factors set forth in subsection 2 of section 475.521;

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

30           (3) Adequate arrangements will be made for management of the protected person's  
31 property.

32           6. The court shall issue a final order confirming the transfer and terminating the  
33 guardianship or conservatorship upon its receipt of:

34           (1) A provisional order accepting the proceeding from the court to which the  
35 proceeding is to be transferred which is issued under provisions similar to section 475.532;  
36 and

37           (2) The documents required to terminate a guardianship or conservatorship in this  
38 state.

          475.532. 1. To confirm transfer of a guardianship or conservatorship transferred  
2 to this state under provisions similar to those in section 475.531, the guardian or  
3 conservator shall petition the court in this state to accept the guardianship or  
4 conservatorship. The petition shall include a certified copy of the other state's provisional  
5 order of transfer.

6           2. Notice of a petition under subsection 1 of this section shall be given to those  
7 persons that would be entitled to notice if the petition were a petition for the appointment  
8 of a guardian or issuance of a protective order in both the transferring state and this state.  
9 The notice shall be given in the same manner as notice is required to be given in this state.

10           3. On the court's own motion or on request of the guardian or conservator, the  
11 incapacitated or protected person, or other person required to be notified of the  
12 proceeding, the court shall hold a hearing on a petition filed pursuant to subsection 1 of  
13 this section.

14           4. The court shall issue an order provisionally granting a petition filed under  
15 subsection 1 of this section unless:

16           (1) An objection is made and the objector establishes that transfer of the  
17 proceeding would be contrary to the interests of the incapacitated or protected person; or

18           (2) The guardian or conservator is ineligible for appointment in this state.

19           5. The court shall issue a final order accepting the proceeding and appointing the  
20 guardian or conservator as guardian or conservator in this state upon its receipt from the  
21 court from which the proceeding is being transferred of a final order issued under  
22 provisions similar to section 475.531 transferring the proceeding to this state.

23           **6. Not later than ninety days after issuance of a final order accepting transfer of a**  
24 **guardianship or conservatorship, the court shall determine whether the guardianship or**  
25 **conservatorship needs to be modified to conform to the law of this state.**

26           **7. In granting a petition under this section, the court shall recognize a guardianship**  
27 **or conservatorship order from the other state, including the determination of the**  
28 **incapacitated or protected person's incapacity and the appointment of the guardian or**  
29 **conservator.**

30           **8. The denial by a court of this state of a petition to accept guardianship or**  
31 **conservatorship transferred from another state does not affect the ability of the guardian**  
32 **or conservator to seek appointment as guardian or conservator in this state under this**  
33 **chapter if the court has jurisdiction to make an appointment other than by reason of the**  
34 **provisional order of transfer.**

#### **ARTICLE 4**

##### **REGISTRATION AND RECOGNITION OF ORDERS FROM OTHER STATES**

2           **475.541. If a guardian has been appointed in another state and a petition for the**  
3 **appointment of a guardian is not pending in this state, the guardian appointed in the other**  
4 **state, after giving notice to the appointing court of an intent to register, may register the**  
5 **guardianship order in this state by filing as a foreign judgment in a court, in any**  
6 **appropriate county of this state, certified copies of the order and letters of office.**

2           **475.542. If a conservator has been appointed in another state and a petition for a**  
3 **protective order is not pending in this state, the conservator appointed in the other state,**  
4 **after giving notice to the appointing court of an intent to register, may register the**  
5 **protective order in this state by filing as a foreign judgment in a court of this state, in any**  
6 **county in which property belonging to the protected person is located, certified copies of**  
7 **the order and letters of office and of any bond.**

2           **475.543. 1. Upon registration of a guardianship or protective order from another**  
3 **state, the guardian or conservator may exercise in this state all powers authorized in the**  
4 **order of appointment except as prohibited under the laws of this state, including**  
5 **maintaining actions and proceedings in this state and, if the guardian or conservator is not**  
6 **a resident of this state, subject to any conditions imposed upon nonresident parties.**

7           **2. A court of this state may grant any relief available under sections 475.501 to**  
8 **475.555 and other law of this state to enforce a registered order.**

2           **475.544. Except where inconsistent with sections 475.541, 475.542, and 475.543, the**  
3 **laws of this state relating to the registration and recognition of the acts of a foreign**  
4 **guardian, curator, or conservator contained in sections 475.335 to 475.340 shall be**  
5 **applicable.**

**ARTICLE 5**

**MISCELLANEOUS PROVISIONS**

**475.551.** In applying and construing this uniform act, consideration shall be given  
2 to the need to promote uniformity of the law with respect to its subject matter among states  
3 that enact it.

**475.552.** Sections 475.501 to 475.555 modify, limit, and supersede the federal  
2 Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et  
3 seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section  
4 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b)  
5 of that act, 15 U.S.C. Section 7003(b).

**475.555. 1.** Sections 475.501 to 475.555 apply to guardianship and protective  
2 proceedings begun on or after August 28, 2011.

**2.** Articles 1, 3, 4, and sections 475.551 and 475.552 apply to proceedings begun  
4 before August 28, 2011, regardless of whether a guardianship or protective order has been  
5 issued.

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