

# *New York State Unified Courts System Public Access Law Libraries Interstate and International Guardianship Disputes*

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This handout describes legal research materials available on-line and in print in New York Court Public Access Law Libraries.

The information provided should be considered a starting point in your research and should not be interpreted as a comprehensive review of the subject or issue in question

## Uniform Laws

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, 8A ULA 3 [2014]

See [ULA](#) web page for legislative kit]

## New York State

Mental Hygiene Law, Article 83, Uniform Guardianship and Protective Proceedings Jurisdiction Added L 2013, ch 427 . Amended L 2015, ch 458. Bill jacket requested from State Archives and received (July 10, 2018)

## Treatises and Articles

Stephanie Braunstein, Outside Counsel. Uniform Guardianship Act Enables Transfers Between States, NYLJ, June 15, 2015.

18 Carmody-Wait 2d § 109:5.50 Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. (Westlaw)

Meredith L. Grocott and Shirley B. Whitenack, NJ Enacts Law to Prevent ‘Granny Snatching’, NJLJ, Dec. 10, 2012 at 43. Listed because it gives background to the Uniform Law Commission’s enactment of the model law.

NY Disability Law & Practice, Book 2 Section 7.3 IV Standard for Appointment of Guardian (2015 ed).  
New York State Bar Association. Brief paragraph on Art 83 of MHL. Available through Fastcase Service.

New York Elder Law (LexisAdvance and E-Books)

New York Elder Law and Special Needs Practice § 8:75 Multi-state guardianship; § 9:13 Article 17A guardianships—Multi-state guardianships (Westlaw)

NY Jur, 2d Infants & Other Persons Under Disability, § 387.50 Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (Westlaw and Lexis)

Practical Skills: Guardianship, NY State Bar Association IV Standard for Appointment of Guardian; A. Who May Be Appointed Guardian. Forms included. Available through Fastcase service. Updated annually. No case analysis yet, does contain forms.

1-16 Tax, Estate & Financial Planning for the Elderly § 16.03. (LexisAdvance and E-Books)

## Law Reviews

Lawrence A. Frolik, Guardianship Reform: When the Best Is the Enemy of the Good, 9 Stan. L. & Policy Rev. 347, 351 (1998).

Daniel and Hannaford, Creating the “Portable” Guardianship: Legal and Practical Implications of Probate Court Cooperation in Interstate Guardianship Cases, 13 Quinn. Prob. Law Journ. 351 (1999).

Sally Hurme and Erica Wood, Symposium: Third National Guardianship Summit: Standards of Excellence: Introduction, 2012 Utah L. Rev. 1157 (2012).

Sally Balch Hurme, Guardianship: Crossing State Lines: Issues and Solutions in Interstate Guardianships, 37 Stetson L. Rev. 87 (2007).

Lauren Barritt Lisi, Anne Burns & Kathleen Lussenden, National Study of Guardianship Systems: Findings and Recommendations. Ann Arbor, (MI) : Center for Social Gerontology, 1994. Distributed to federal depository libraries in micro-fiche 98-0434-M.

Lauren B. Lisi et al., Final Report: National Study of Guardianship Systems and Feasibility of Implementing Expert Systems. Ann Arbor, (MI): Center for Social Gerontology, 1992. Distributed to federal depository libraries in micro-fiche.

Rebecca C. Morgan, Guardianship: Introduction: The Uniform Guardianship and Protective Proceedings Act of 1997 - Ten Years of Developments, 37 Stetson L. Rev. 1 (2007).

Donna J. Rabiner, David Brown & Janet O'Keefe, Financial Exploitation of Older Persons: Policy Issues and Recommendations for Addressing Them, 16(1) J. Elder Abuse & Neglect 65, 72 (2004).

Brittany Griffin Smith, Note, Granny Snatching and Personal Jurisdiction-An Argument for a New Federal Interpleader, 100 Ky. L.J. 411 (2011 / 2012).

Gordon H. Smith & Herb Kohl, Guardianship for the Elderly: Protecting the Rights and Welfare of Seniors with Reduced Capacity sl: sn, (2007). [http://www.guardianship.org/reports/Guardianship\\_Report.pdf](http://www.guardianship.org/reports/Guardianship_Report.pdf) [accessed Dec. 6, 2013]

Lori A. Stiegel and Eric F. Wood, Nine Ways to Reduce Elder Abuse Through Enactment of The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, contained in L 2013, ch 427 bill jacket. Written for the ABA Commission Law and Aging's Joint Campaign for Uniform Guardianship Jurisdiction (nd).

## International Law

[The Hague Convention on the International Protection of Adults](#) United States has not signed into force and there does not seem to be any US movement as of September 2019.

The Hague Convention on the International Protection of Adults, , which was finalized in 2000, demands international cooperation regarding cross-jurisdictional guardianships and similar matters. Although the United States is not a party, the Convention's fundamental principles have been applied in US court proceedings. See generally Richard Frimston, et al., The International Protection of Adults (Oxford University Press 2015).

1 Advising the Elderly Client § 1:1 , fn 1 (Westlaw)

Aimee R. Fagain, An Analysis of the Convention on the International Protection of Adults, 10 Elder L.J. 329 (2002).

### ***Important Disclosures:***

#### Legal Advice

NY State Court System staff are pleased to provide you with basic legal information of relevance to New York State courts, caselaw, statutory and regulatory materials from standard legal reference sources. Our court employees, however, may not provide legal advice, interpret the law or assist with the processing of specific motions or cases.

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Jacqueline Cantwell