§ 83.33 Accepting guardianship or conservatorship transferred from another state.

(a) To confirm transfer of a guardianship of the person or guardianship of the property transferred to this state under provisions similar to section 83.31 of this article, the guardian of the person or guardian of the property must petition the court in this state pursuant to article eighty-one of this title or article seventeen-A of the surrogate's court procedure act to accept the guardianship of the person or guardianship of the property. The petition must include a certified copy of the other state's provisional order of transfer.

(b) Notice of a petition under subdivision (a) of this section must be given to those persons that would be entitled to notice if the petition were a petition for the appointment of a guardian of the person or issuance of a protective order in both the transferring state and this state. The notice must be given in the same manner as notice is required to be given in this state.

(c) On the court's own motion or on request of the guardian of the person or guardian of the property, the person subject to the guardianship of the person or protected person, or other person required to be notified of the proceeding, the court shall hold a hearing on a petition filed pursuant to subdivision (a) of this section.

(d) The court shall issue an order provisionally granting a petition filed under subdivision (a) of this section unless:

1. an objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the incapacitated or protected person; or

2. the guardian of the person or guardian of the property is ineligible for appointment in this state.

(e) The court shall issue a final order accepting the proceeding and appointing the guardian of the person or guardian of the property as guardian of the person or guardian of the property in this state upon its receipt from the court from which the proceeding is being transferred of a final order issued under provisions similar to section 83.31 of this article transferring the proceeding to this state.

(f) Not later than ninety days after issuance of a final order

accepting transfer of a guardianship of the person or guardianship of the property, the court shall determine whether the guardianship of the person or guardianship of the property needs to be modified to conform to the law of this state.

(g) In granting a petition under this section, the court shall recognize a guardianship order from the other state, including the determination of incapacity and the appointment of the guardian of the person or guardian of the property.

(h) The denial by a court of this state of a petition to accept a guardianship of the person or guardianship of the property transferred from another state does not affect the ability of the guardian of the person or guardian of the property to seek appointment as guardian of the person or guardian of the property in this state under article eighty-one of this title or article seventeen-A of the surrogate's court procedure act if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.