

387.834 Jurisdiction declined by reason of conduct.

- (1) If at any time a court of this state determines that it acquired jurisdiction to appoint a guardian or issue a protective order because of unjustifiable conduct, the court may:
 - (a) Decline to exercise jurisdiction;
 - (b) Exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety, and welfare of the respondent or the protection of the respondent's property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a protective order is filed in a court of another state having jurisdiction; or
 - (c) Continue to exercise jurisdiction after considering:
 1. The extent to which the respondent and all persons required to be notified of the proceedings have acquiesced in the exercise of the court's jurisdiction;
 2. Whether it is a more appropriate forum than the court of any other state under the factors set forth in KRS 387.832(3); and
 3. Whether the court of any other state would have jurisdiction under factual circumstances in substantial conformity with the jurisdictional standards of KRS 387.826.
- (2) If a court of this state determines that it acquired jurisdiction to appoint a guardian or issue a protective order because a party seeking to invoke its jurisdiction engaged in unjustifiable conduct, it may assess against that party necessary and reasonable expenses, including attorney's fees, investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses. The court shall not assess fees, costs, or expenses of any kind against this state or a governmental subdivision, agency, or instrumentality of this state unless authorized by law other than KRS 387.810 to 387.854.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 47, sec. 13, effective June 8, 2011.