

387.822 Definitions for KRS 387.822 to 387.838 -- Significant connection factors.

- (1) As used in KRS 387.822 to 387.838:
 - (a) "Emergency" means a circumstance that likely will result in substantial harm to a respondent's health, safety, or welfare, and for which the appointment of a guardian is necessary because no other person has authority and is willing to act on the respondent's behalf;
 - (b) "Home state" means the state in which the respondent was physically present, including any period of temporary absence, for at least six (6) consecutive months immediately before the filing of a petition for a protective order or the appointment of a guardian; or if none, the state in which the respondent was physically present, including any period of temporary absence, for at least six (6) consecutive months ending within the six (6) months prior to the filing of the petition; and
 - (c) "Significant-connection state" means a state, other than the home state, with which a respondent has a significant connection other than mere physical presence and in which substantial evidence concerning the respondent is available.
- (2) In determining under KRS 387.826 and 387.840(5) whether a respondent has a significant connection with a particular state, the court shall consider:
 - (a) The location of the respondent's family and other persons required to be notified of the guardianship or protective proceeding;
 - (b) The length of time the respondent at any time was physically present in the state and the duration of any absence;
 - (c) The location of the respondent's property; and
 - (d) The extent to which the respondent has ties to the state such as voting registration, state or local tax return filing, vehicle registration, driver's license, social relationship, and receipt of services.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 47, sec. 7, effective June 8, 2011.