

Article 2.

Jurisdiction.

**§ 35B-15. Definitions.**

- (a) The following definitions apply in this Article:
- (1) **Emergency.** – 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 of the person is necessary because no other person has authority and is willing to act on the respondent's behalf.
  - (2) **Home state.** – The state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months immediately before the filing of a petition for the adjudication of incompetence; or if none, the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months ending within the six months prior to the filing of the petition for the adjudication of incompetence.
  - (3) **Significant-connection state.** – 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.
- (b) In determining under G.S. 35B-17 and G.S. 35B-30(e) whether a respondent has a significant connection with a particular state, the court shall consider:
- (1) The location of the respondent's family and other persons required to be notified of the incompetency, guardianship, or protective proceeding.
  - (2) The length of time the respondent at any time was physically present in the state and the duration of any absence.
  - (3) The location of the respondent's property.
  - (4) The extent to which the respondent has ties to the state such as voting registration, state or local tax return filing, vehicle registration, drivers license, social relationship, and receipt of services. (2016-72, s. 1.)