

§ 35B-17. Jurisdiction.

Notwithstanding the provisions of G.S. 1-75.4(1), a court of this State has jurisdiction to adjudicate incompetence, appoint a general guardian or guardian of the person, or issue a protective order for a respondent only if:

- (1) This State is the respondent's home state; or
- (2) On the date the petition for the adjudication of incompetence is filed, this State is a significant-connection state and either of the following is true:
 - a. The respondent does not have a home state, or a court of the respondent's home state has declined to exercise jurisdiction because this State is a more appropriate forum.
 - b. The respondent has a home state, a petition for an appointment or order is not pending in a court of that state or another significant-connection state, and, before the court makes the appointment or issues the order, all of the following are true:
 1. A petition for an appointment or order is not filed in the respondent's home state.
 2. An objection to the court's jurisdiction is not filed by a person required to be notified of the proceeding.
 3. The court in this State concludes that it is an appropriate forum under the factors set forth in G.S. 35B-20; or
- (3) This State does not have jurisdiction under either subdivision (1) or (2) of this section, the respondent's home state and all significant-connection states have declined to exercise jurisdiction because this State is the more appropriate forum, and jurisdiction in this State is consistent with the constitutions of this State and the United States; or
- (4) The requirements for special jurisdiction under G.S. 35B-18 are met. (2016-72, s. 1.)