

**IN THE CHANCERY COURT FOR SUMNER COUNTY, TENNESSEE  
AT GALLATIN**

**IN RE:** \_\_\_\_\_  
**RESPONDENT**

**CASE NO.** \_\_\_\_\_

**PETITION FOR APPOINTMENT OF CONSERVATOR BY TRANSFER  
T.C.A. § 34-8-302**

**TO THE HONORABLE CHANCELLOR OF THE CHANCERY COURT OF SUMNER  
COUNTY, TENNESSEE:**

Comes now the Petitioner(s), \_\_\_\_\_,  
and files this petition to transfer the \_\_\_\_\_ from the  
\_\_\_\_\_ Court of \_\_\_\_\_ county, \_\_\_\_\_ state to an appointment of a  
conservator/s of \_\_\_\_\_ respondent, and would show to the Court:

1. The name, date of birth, residence and mailing address of the Respondent in Tennessee is as follows:

**Name:** \_\_\_\_\_  
**Date of Birth:** \_\_\_\_\_  
**Residence:** \_\_\_\_\_  
**Mailing address:** \_\_\_\_\_

2. The name, age, residence and mailing address, relationship of the Petitioner(s), and statement of any felony or misdemeanor convictions of the Petitioner(s), if any, are as follows:

**Name:** \_\_\_\_\_  
**Age:** \_\_\_\_\_  
**Residence:** \_\_\_\_\_  
**Mailing address:** \_\_\_\_\_  
**Relationship to respondent:** \_\_\_\_\_  
**Name:** \_\_\_\_\_  
**Age:** \_\_\_\_\_  
**Residence:** \_\_\_\_\_  
**Mailing address:** \_\_\_\_\_  
**Relationship to respondent:** \_\_\_\_\_

A statement of any felony or misdemeanor convictions of the Petitioner(s), if any:

\_\_\_\_\_

3. The name, mailing address, and relationship of the closest relative(s) of the Respondent and other entitled to notice are as follows:

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Relationship to Respondent: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Relationship to Respondent: \_\_\_\_\_

Or state that the Respondent has no living spouse or other relative of equal degree under the Tennessee law of intestate succession. (If one of the children of the Respondent is deceased, and has surviving children, then the surviving children, even though minors, should be listed since they are included in the definition of "closest relatives of the Respondent" according to the Tennessee law of intestate succession.)

4. Current residence of the proposed ward, \_\_\_\_\_ the age of the ward, \_\_\_\_\_ and what events or physical conditions have precipitated the filing of this Petition \_\_\_\_\_

5. A certified copy of the provisional order of transfer from the state of \_\_\_\_\_ is attached as part of this petition.

**WHEREFORE, PREMISES CONSIDERED, PETITIONER PRAYS:**

1. That proper notice and process be served upon the Respondent by certified mail with return receipt requested be given to the closest relatives and upon the person or institution, if any, having care and custody of the Respondent or with whom the respondent is living in accordance with T.C.A. §34-1-106;
2. The court issue an order provisionally granting a petition filed under subsection (a) of T.C.A. § 34-8-302 unless: An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the disabled or protected person or the guardian or conservator is ineligible for appointment in this state.
3. The court issue a final order accepting the proceeding and appointing the guardian or conservator as guardian or conservator 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 T.C.A. § 34-8-301 transferring the proceeding to this state.
4. Not later than ninety (90) days after issuance of a final order accepting transfer of a guardianship or conservatorship, the court determine whether the guardianship or conservatorship needs to be modified to conform to the law of this state.

5. That the Petitioner(s) have such other and further general relief to which he may be entitled.

\_\_\_\_\_  
[NAME OF PROPOSED CONSERVATOR]

\_\_\_\_\_  
[NAME OF PROPOSED CONSERVATOR]

**STATE OF TENNESSEE  
COUNTY OF SUMNER**

I, \_\_\_\_\_ and/or \_\_\_\_\_ state under oath that the facts set out in the foregoing petition are true to the best of my knowledge, information and belief.

\_\_\_\_\_  
[Signature of Proposed Conservator]

\_\_\_\_\_  
[Signature of Proposed Conservator]

**SWORN TO AND SUBSCRIBED** before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC/DEPUTY CLERK**

My commission expires:

\_\_\_\_\_

## Document: Tenn. Code Ann. § 34-8-302

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Current through the 2019 Regular Session

**TN - Tennessee Code Annotated**   **Title 34 Guardianship**   **Chapter 8 Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act**   **Part 3 Transfer of Guardianship or Conservatorship**

**34-8-302. Accepting guardianship or conservatorship transferred from another state.**

- (a) To confirm transfer of a guardianship or conservatorship transferred to this state under provisions similar to § 34-8-301, the guardian or conservator must petition the court in this state to accept the guardianship or conservatorship. The petition must include a certified copy of the other state's provisional order of transfer.
- (b) Notice of a petition under subsection (a) must be given to those persons that would be entitled to notice if the petition were a petition for the appointment of a guardian 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 or conservator, the disabled or protected person or minor, or other person required to be notified of the proceeding, the court shall hold a hearing on a petition filed pursuant to subsection (a).
- (d) The court shall issue an order provisionally granting a petition filed under subsection (a) unless:
- (1) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the disabled or protected person or minor; or
  - (2) The guardian or conservator is ineligible for appointment in this state.
- (e) The court shall issue a final order accepting the proceeding and appointing the guardian or conservator as guardian or conservator 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 § 34-8-301 transferring the proceeding to this state.
- (f) Not later than ninety (90) days after issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship 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 or conservatorship order from the other state, including the determination of the disabled or protected person's incapacity and the appointment of the guardian or conservator.
- (h) The denial by a court of this state of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek

appointment as guardian or conservator in this state under other chapters of this title if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

## History

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Acts 2010, ch. 817, § 1.

TENNESSEE CODE ANNOTATED

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