NATIONAL GUARDIANSHIP ASSOCIATION

RESOLUTION IN SUPPORT OF:

THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT

WHEREAS population mobility has left courts facing many dilemmas and challenges concerning which of several states have jurisdiction over guardianship and protective proceedings;

WHEREAS the National Conference of Commissioners on Uniform State Laws endeavors to carry forward the groundbreaking work of the National College of Probate Judges in its National Probate Court Standards on interstate jurisdiction transfers by drafting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act;

WHEREAS this Uniform Act, if enacted, will fulfill a key recommendation of the 2001 Wingspan National Guardianship Conference by providing procedures to resolve interstate jurisdiction controversies and to facilitate transfers of guardianship cases among jurisdictions;

WHEREAS the Act provides for the recognition and enforcement of a guardianship or protective proceedings orders, and facilitates the communication and cooperation between Courts of different jurisdictions concerning guardianship or protective proceedings;

WHEREAS the Act provides for a method of determining the appropriate initial forum for such proceedings, for a method of obtaining an order to transfer jurisdiction over such proceedings to another state, and for the recognition and registration of guardianship or protective orders across state lines,

WHEREAS the application and construction of this Uniform Act will promote uniformity of the law with respect to jurisdictional issues of guardianship and protective proceedings for adults among states that enact it;

WHEREAS the National Guardianship Association is involved in the process of drafting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act with the help of the AARP, American Bar Association, the National Guardianship Foundation, the National College of Probate Judges, the American College of Trust and Estate Counsel, the National Academy of Elder Law Attorneys, and other interested groups; and

WHEREAS the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, if enacted, can help effectively address the dilemmas and challenges concerning jurisdiction of guardianship and protective proceedings for adults;

THEREFORE BE IT RESOLVED that the National Guardianship Association supports the efforts of the National Conference of Commissioners on Uniform State Laws to promulgate the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.