

Why Should States Adopt...
UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE
PROCEEDINGS JURISDICTION ACT
(2007)

The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) received its final approval at the National Conference of Commissioners for Uniform State Laws' (NCCUSL) 2007 annual meeting. UAGAPPJA deals primarily with jurisdictional, transfer and enforcement issues relating to adult guardianships and protective proceedings. There are a number of reasons why every state should adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

- ***Solving the Problem of Multiple Jurisdiction.*** The UAGAPPJA creates a process for determining which state will have jurisdiction to appoint a guardian or conservator if there is a conflict by designating that the individual's "home state" has primary jurisdiction, followed by a state in which the individual has a "significant-connection." Under certain circumstances, another state may proceed if it is the more appropriate forum.
- ***Solving the Problem of Transfer.*** The UAGPPJA specifies a procedure for transferring a guardianship or conservatorship to another state and for accepting a transfer, helping to reduce expenses and save time while protecting persons and their property from potential abuse.
- ***Solving the Problem of Out of State Recognition and Enforcement.*** The UAGPPJA helps to facilitate enforcement of guardianship and protective orders in other states by authorizing a guardian or conservator to register these orders in other states. Once the order has been registered, the guardian appointed in another state may exercise the powers authorized in the order as long as they do not violate the laws of the registration state.
- ***Addresses emergency situations and other special cases.*** A court in the state where the individual is physically present can appoint a guardian in the case of an emergency. Also, if the individual has real or tangible property located in a certain state, the court in that jurisdiction can appoint a conservator for the property located there.
- ***Facilitates communication and cooperation between Courts of different jurisdictions.*** The act permits communication between courts and parties of other states and jurisdiction to respond to requests for assistance from courts in other states.

This Act will provide uniformity and reduce conflicts among the states. Because of the current absence of ways to resolve these typical interstate jurisdictional quandries, widespread passage of the act should result in significant judicial economy, reduction in litigation, and conservation of the ward's estate. The UAGPPJA will also help save time for those who are serving as guardians and conservators, allowing them to make important decisions for their loved ones as quickly as possible. Every state should act quickly to adopt the Uniform Adult Guardianship and Protective Proceeding Act.