



WHY YOUR STATE SHOULD ADOPT THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT (UAGPPJA)

The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) is a narrowly focused statute dealing exclusively with jurisdictional, transfer, and enforcement issues relating to adult guardianships and protective proceedings. Because state courts and the persons they protect will receive reciprocal benefits from other adopting jurisdictions, widespread enactment is essential. All states should adopt the UAGPPJA because:

- ***The UAGPPJA resolves interstate jurisdictional controversies.*** In our increasingly mobile society, jurisdictional conflicts are all too common. Older Americans are at especially at risk if they maintain homes in more than one state or if they have children living in different states. The UAGPPJA provides a clear process for determining which state has jurisdiction to appoint a guardian or conservator when there is a conflict. The individual's home state has primary jurisdiction, followed by a state in which the individual has a significant connection. Under rare circumstances, another state may have jurisdiction if it is the more appropriate forum.
- ***The UAGPPJA facilitates the transfer of guardianships between jurisdictions.*** When a guardian moves to another state, relitigating the need for and the terms of a guardianship is costly and time-consuming. The UAGPPJA eliminates the unnecessary duplication by providing a simple process to transfer uncontroversial guardianships between adopting states. All interested parties must receive notice and an opportunity to object.
- ***The UAGPPJA provides for interstate recognition and enforcement of guardianship orders.*** Under UAGPPJA, a guardianship order from State A may be registered with the court in State B to ensure its recognition by institutions in State B. Using this simple registration procedure, a guardian or conservator can act in multiple states as necessary, for example, to sell the protected person's real estate holdings or provide medical directions to a hospital staff.
- ***The UAGPPJA facilitates communication and cooperation between courts.*** The act provides a simple procedure for courts and parties in different states to communicate, maintain records, and respond to requests for assistance.
- ***The UAGPPJA addresses emergency situations and other special cases.*** Nothing in the UAGPPJA prevents a court in the state where an individual is physically present from appointing a temporary guardian in case of an emergency. Furthermore, if a protected person has property located in a certain state, the local court can still appoint a conservator for that property when needed.

For more information about the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, contact ULC Chief Counsel Benjamin Orzeske at (312) 450-6621 or borzeske@uniformlaws.org.