

factsheet

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Adult Guardianship Jurisdiction

Alzheimer's disease can impair a person's judgment and cause disorientation, confusion and memory loss – sometimes requiring the appointment of a guardian.

- Due to the impact of Alzheimer's on a person's ability to make decisions and in the absence of other advanced directives, people with Alzheimer's disease may need the assistance of a court-appointed guardian.
- A court may appoint an individual to serve as the legal decision-maker (guardian) for another adult who, due to incapacity or other disability, is unable to make decisions for him/herself.
- Once appointed, the guardian may make decisions for the individual that relate to the person's health, well-being and economic interest.
- A 1996 estimate put the total number of adult guardianship orders in the United States at 1.5 million. Demographic trends suggest that today this number is probably higher.

Organizations Supporting UAGPPJA

Alzheimer's Association
American Bar Association Commission on Law and Aging
Conference on Chief Justices
Conference of State Court Administrators
National Academy of Elder Law Attorneys
National Council of Probate Judges
National Guardianship Association
Uniform Law Commission

The process of appointing a guardian is handled in 55 state and territorial courts.

- As a result, multiple states or territories, each with its own adult guardianship system, may have a jurisdictional interest in a single guardianship case, and it may be unclear which state court has jurisdiction to hear and decide the legal issues.
- Adult guardianship jurisdiction issues arise in situations involving snowbirds (those who live part of the year in the north and part in the south), interstate health markets, transferred or long-distance caregiving arrangements, wandering and even the rare incident of elderly kidnapping.

In response, the Uniform Law Commission developed the *Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA)*.

- The legislation establishes a uniform set of rules for determining jurisdiction, thus simplifying the process in multi-jurisdictional cases, and creates a framework that allows state court judges in different states to communicate with each other about where appropriate jurisdiction lies.
- UAGPPJA does not make any substantive changes to adult guardianship law, such as whether guardianship is appropriate or who should be awarded guardianship. It simply allows cases to be settled more quickly and with more predictable outcomes.

By removing jurisdictional barriers, UAGPPJA would make the process easier for the families and caregivers of those with Alzheimer's who have adult guardianship orders.

- However, to effectively apply UAGPPJA in a case, all states involved must have adopted UAGPPJA. It will only work if a large number of states adopt it.
- As of July 2016, 45 states, the District of Columbia, and Puerto Rico have enacted UAGPPJA.

Ultimately, states must increase awareness of the need for advanced planning and end-of-life issues for all seniors. UAGPPJA will move that process forward.

- The disorganized array of state adult guardianship laws and the lack of communication between states is a barrier to addressing end-of-life issues.
- Simplifying one aspect of the adult guardianship system by enacting UAGPPJA may encourage more states to dedicate increased resources to meaningful end-of-life systems change.

**States That Have Adopted the
Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act
As of July 2016**

