

MINUTE BOOKING
CONSENT NO. 7
DATE 3/26/09
BILL NO. HB 477

Conference of Chief Justices Conference of State Court Administrators

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BY:

September 29, 2008

The Honorable Martha Lee Walters
President, The National Conference of Commissioners on Uniform State Laws
111 N. Wabash Avenue, Suite 1010
Chicago, Illinois 60602

Dear Ms. Walters:

At the 60th Annual Meeting of the Conference of Chief Justices and Conference of State Court Administrators, the Conferences adopted the attached resolution on July 30, 2008. The resolution, **In Support of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act** was recommended for adoption by the

We share a copy of this resolution with you for your information and the information of your membership. This resolution reflects the policy position of the Conferences.

If you need additional information or assistance, please feel free to contact us or Kay Farley or Jose Dimas at the National Center for State Courts. Ms. Farley can be reached at (703) 841-5601 or kfarley@ncsc.org. Mr. Dimas can be reached at (703) 841-5610 or jdimas@ncsc.org.

Sincerely,



Chief Justice Margaret H. Marshall
President
Conference of Chief Justices



Ms. Stephanie J. Cole
President
Conference of State Court Administrators

Conference of Chief Justices Conference of State Court Administrators

Resolution 5

In Support of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize both the challenges for guardianship and protective proceedings when the parties have connections to multiple states and the benefits of clear and uniform jurisdiction rules in these multi-state cases; and

WHEREAS, the establishment of procedures to resolve interstate jurisdictional problems and facilitate transfers of guardianship cases among jurisdictions were key recommendations of the 2001 Wingspan National Guardianship Conference; and

WHEREAS, the Uniform Laws Commission, previously known as the National Conference of Commissioners of Uniform State Laws, convened a committee of experts and drafted the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) to address existing problems; and

WHEREAS, the UAGPPJA (1) provides for a process of communication and cooperation between courts in different jurisdictions; (2) specifies which court has jurisdiction to appoint a guardian or conservator; (3) limits jurisdiction to the courts of one and only one state except in cases of emergency or in situations where the individual owns property in multiple states; (4) establishes a procedure for transferring a guardianship or conservatorship case from one state to another; (5) facilitates enforcement of guardianship and protective orders in other states by authorizing registration of orders; and (6) provides for registered orders to be entitled to full faith and credit; and

WHEREAS, adoption and implementation of the UAGPPJA will effectively address current jurisdictional problems and result in uniformity in both state law and practice;

NOW, THEREFORE, BE IT RESOLVED that the Conferences commend the work of the Uniform Laws Commission in developing this model legislation and recommend that states consider adoption of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Adopted as proposed by the CCJ/COSCA Courts, Children and Families Committee July 30, 2008.