

## **ABA Commission on Law and Aging Joint Campaign for Uniform Guardianship Jurisdiction**

The American Bar Association Commission on Law and Aging (ABA Commission) has received support from three sources for a new project focused on the complex problems generated by multi-state adult guardianship cases. The ABA Commission will undertake a *Joint Campaign for Uniform Guardianship Jurisdiction* with funding from the ABA Section of Real Property, Trust and Estate Law; the American College of Trust and Estate Counsel Foundation; and the Uniform Law Foundation.

Guardianship is a relationship created by state law in which a court gives one person or entity (the guardian) the duty and power to make personal and/or property decisions for another (the incapacitated person or ward). In our increasingly mobile society, adult guardianships often involve more than one state, raising complex jurisdictional issues. For example, many older people own property in different states. Family members may be scattered across the country. Frail, at-risk individuals may need to be moved for medical or financial reasons. Thus, judges, guardians, and lawyers frequently are faced with problems about which state should have initial jurisdiction, how to transfer a guardianship to another state, and whether a guardianship in one state will be recognized in another.

Such jurisdictional quandaries can take up vast amounts of time for courts and lawyers. They can also cause cumbersome delays and financial burdens for family members, sometimes even barring timely medical treatment for incapacitated individuals. Jurisdictional tangles can exacerbate family conflict, aggravating sibling rivalry as each side must hire lawyers to battle over which state will hear a case and where a final order will be lodged. Moreover, lack of clear jurisdictional guideposts can facilitate “granny snatching” and other abusive actions.

To address these challenging problems, the Uniform Law Commission in 2007 approved the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA). The UAGPPJA seeks to clarify jurisdiction and provide a procedural roadmap for addressing dilemmas where more than one state is involved, and to enhance communication between courts in different states.

As it is jurisdictional in nature, the UAGPPJA cannot work as intended -- providing uniformity and reducing conflict -- unless all or most states adopt it. Thus, there is a compelling need for education and outreach to a range of stakeholders. The ABA Commission’s *Joint Campaign for Uniform Jurisdiction* will meet this need by: (1) developing a Web-based clearinghouse on the UAGPPJA; (2) conducting a national Web cast on the UAGPPJA; and (3) preparing and disseminating educational materials. The emphasis of the *Joint Campaign* will be on how multi-state guardianship problems can affect the lives of vulnerable incapacitated individuals and their families, and how the UAGPPJA can address these problems.