

HB 2105 -- Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

Sponsor: Cooper (155)

This bill establishes the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act to resolve interstate jurisdiction problems in guardianship and conservatorship appointments and proceedings. In its main provisions, the bill:

(1) Defines "guardian" as a person appointed by the court to make decisions for an incapacitated adult and "conservator" as a person appointed by the court to administer the property of an incapacitated adult;

(2) Prioritizes the courts of different states which might claim jurisdiction in a guardianship or conservatorship matter by granting primary jurisdiction as the home state to any state where the adult has lived for at least six consecutive months immediately preceding the initiation of the adult guardianship proceeding. Secondary jurisdiction is given to any state that has a significant connection to the incapacitated adult which includes a state where the individual's family lives, a state where the adult may have lived for many years, or the state where the individual's property is located; and

(3) Allows any court that has appointed a guardian or conservator under proper jurisdiction to retain the matter until the proceeding is terminated or transferred.