

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass
Vote:	10 - 0 - 0
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	5/5

WHAT THE MEASURE DOES: Enacts the Uniform Guardianship and Protective Proceedings Jurisdiction Act. Sets forth the procedure for a court in this state to cooperate with a court in another state or foreign country in a guardianship or conservatorship proceedings. Allows a court in this state to request a court outside this state to, among other things, hold evidentiary hearings, order an assessment of the person subject to a guardianship or conservatorship, and order a person to produce evidence or give testimony. Requires courts in this state to accommodate courts from other jurisdictions in a similar manner. Defines "home state" as the state in which a person subject to a guardianship or conservatorship is physically present for at least 6 months. Defines "significant-connection state" as a state other than the home state where a person has significant connection other than mere physical presence.

ISSUES DISCUSSED:

- Uniform act
- Filed in 19 states

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: We live in a very mobile society. Many people have roots in more than one state or even another country. This can create legal problems when a person is incapacitated and in need of a guardian or conservator. SB 238A sets forth a process and procedure for the appointment of a guardian or conservator for persons who are away from "home" and in need of a guardian or conservator. It defines what is a "home state" and what is a "significant-connection state." It is a uniform act developed by the National Conference of Commissions on Uniform State Laws. Other states have or are in the process of adopting this uniform law.