



STATE OF CONNECTICUT  
OFFICE OF THE  
PROBATE COURT ADMINISTRATOR

PAUL J. KNIERIM, JUDGE  
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To: Senate Co-Chair Andrew McDonald  
House Co-Chair Michael Lawlor  
Senate Ranking Member John Kissel  
House Ranking Member Arthur O'Neill  
Honorable Members of the Judiciary Committee

From: Paul J. Knierim, Judge  
Probate Court Administrator

Re: SB 576 An Act Concerning the Connecticut Uniform Protective  
Proceedings Jurisdiction Act

Date: March 9, 2009

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The Office of the As Probate Court Administrator supports adoption of this bill, which incorporates the provisions of the Uniform Adult Guardian and Protective Proceedings Jurisdiction Act (UAGPPJA).

This uniform law seeks to address problems that arise regularly in courts across the nation when individuals involved a conservatorship proceeding have contacts in more than one state. These problems typically manifest in three scenarios:

- (1) Multiple jurisdictions. While domicile is typically the basis for a court's jurisdiction to hear a conservatorship petition, questions arise when the individual has contacts in more than one state. For example, an individual may maintain residences in two states, and the question of which of those states is the individual's domicile may be unclear. Domicile may also be unclear when an individual has recently relocated from one state to another. In both scenarios, courts need a mechanism to determine which state is the more appropriate forum to hear the matter. The fact that the applicable law varies considerably from state to state makes resolution of these issues difficult.

- (2) Relocation after a conservatorship has been established. Relocation of an individual under conservatorship from one state to another poses other difficulties. The move may be occasioned by the individual's wish to be closer to family members or to establish residence in a more appropriate long-term care facility. There is currently no efficient mechanism to ensure that the conservatorship remains in place during and after the transfer. The result is often the complete re-litigation of the conservatorship appointment, along with the attendant delay and expense.
- (3) Interstate recognition of decrees. Most judicial decrees are entitled to full faith and credit in other states. An exception exists, however, for conservatorship matters. This poses a significant issue as our society has become increasingly mobile. Individuals frequently travel from one state to another, often to obtain essential medical treatment. The lack of consistent interstate recognition of conservatorship decrees can compromise the ability of the conservator to obtain the medical treatment that the conserved person needs or to address other issues that arise while the individual is temporarily out of state.

In the past, similar problems were encountered in connection with child custody determinations. This led to the Uniform Child Custody Jurisdiction Act, (UCCJA), and later the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), which have now been adopted in most states. Portions of the UAGPPJA act are modeled after the UCCJEA.

Like the UCCJEA, the UAGPPJA seeks to establish uniform and nationwide procedures to address the issues associated with interstate conservatorship matters. It would establish a mechanism to determine which state is the most appropriate to act on a request for the appointment of a conservator, thereby avoiding conflicting proceedings in multiple states. Procedures would be established to effectuate transfers between states in a specified and efficient manner. The bill would authorize states to recognize the conservatorship orders of another state and provide a mechanism to register out of state orders to ensure that the authority of a conservator appointed by another state is clear.

As we have seen in recent years, the number of instances involving interstate conservatorship issues is on the increase. The enactment of this bill is important to protect the interests of the disabled persons who are the subject of these orders, and to do so in the speediest, simplest, and most efficient way.

Of course, the UAGPPJA will only be truly effective if it is widely adopted among states. It has already been enacted in four states, with some twenty more expected to consider it this year. The act has garnered the support of many reputable national organizations, including the Alzheimer's Association, the

National Guardianship Foundation, the National Academy of Elder Law Attorneys, the Conference of Chief Justices and Conference of State Court Administrators, and the National College of Probate Judges.

We urge the Committee's favorable consideration of this bill.

