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## **AFA Urges Adoption of Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act**

The Arizona Fiduciaries Association, Inc. (AFA) is urging Arizona lawmakers to adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

In cases involving adult guardianship, state courts give one person or entity the duty and power to make personal and/or property decisions for another person who is determined to be incapacitated. But as American society becomes increasingly mobile, complex jurisdictional issues arise concerning which state should have jurisdiction, how to transfer a guardianship to another state and whether a guardianship in one state will be recognized by another.

Due to a myriad of care and economic conflicts arising from multi-state guardianship cases, the federal Uniform Law Commission approved the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act to provide a roadmap for addressing dilemmas in such cases in 2007. But the act cannot work until most states adopt it.

The AFA believes that this legislation will assist in allowing for a less costly and more standardized approach to the transfer of wards from one jurisdiction to another. It also provides the judiciary with clear guidelines to determine which court maintains jurisdiction of the case, the ward and any litigation.

“Imagine working your entire life, saving every penny you have to ensure that you have a comfortable retirement, only to have those funds withered away in administrative costs because your son decided to move you close to his family. Now there are attorneys, physicians, investigators and others involved in two states and no one knows who controls or decides the case,” said Lisa Price, AFA President.

Price goes on to point out that there are documented cases of entire estates being spent on attorneys’ fees and court litigation ultimately leaving the ward destitute, relying on taxpayers to cover the costs of their long term care needs. To date, nearly 20 states have adopted or are considering this important legislation. The AFA is urging Arizona lawmakers to join the ranks and take the next step in protecting Arizona’s most vulnerable citizens.

These issues and more will be discussed at the AFA’s upcoming annual conference, *The Complexities of Quality Care in the 21<sup>st</sup> Century* in Carefree, AZ, March 4 - 5, 2010.

The Arizona Fiduciaries Association is the only professional association in Arizona representing the interests of licensed fiduciaries throughout the state. The AFA currently serves over 200 members consisting of licensed fiduciaries (from both the public and private sectors), attorneys, financial planners, and geriatric care managers.

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