



NGA RESOLUTION IN SUPPORT OF THE UNIFORM GUARDIANSHIP, CONSERVATORSHIP, AND OTHER PROTECTIVE ARRANGEMENTS ACT

Approved by the NGA Board of Directors on January 19, 2018

WHEREAS guardianship law has advanced dramatically to protect the rights and interests of persons determined by the state courts to need help caring for themselves since the first uniform law on guardianship was released in 1969 and revised in 1982 and 1997.

WHEREAS this Act fulfills many of the recommendations of the 2011 Third National Guardianship Summit and the National Guardianship Association's Standards of Practice by providing that the individuals subject to guardianship and conservatorship proceedings remain at the center of all considerations and decisions.

WHEREAS this Act requires courts to avoid appointing a guardian or a conservator if there are less restrictive alternatives, such as supported decision-making or limited protective arrangements, that provide adequate protections.

WHEREAS this Act protects key legal rights of persons subject to guardianship or conservatorship, including the right to receive independent legal counsel and the right to have the order modified or terminated when appropriate.

WHEREAS this Act respects and ensures the rights of persons subject to guardianship and conservatorship to receive visits or communications from family and friends as they desire.

WHEREAS this Act gives guardians and conservators clear standards for making decisions that keep the person subject to guardianship at the center of their decision-making.

WHEREAS the application of this Act will promote uniformity of the law among the states with respect to the rights of persons subject to guardianship and conservatorship and the duties and responsibilities of those serving as guardians and conservators.

WHEREAS the National Guardianship Association, a membership organization whose mission is to advance the nationally recognized standard of excellence in guardianship, was involved in the process of drafting this Uniform Act with the help of the AARP, American Bar Association, Alzheimer's Association, Center for Guardianship Certification, National Center for State Courts, the National College of Probate Judges, the ARC, the National Academy of Elder Law Attorney, and the National Disability Rights Network.

THEREFORE BE IT RESOLVED that the National Guardianship Association supports the efforts of the National Conference of Commissioners on Uniform State Laws to promulgate the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act.