



## **WHY YOUR STATE SHOULD ADOPT THE UNIFORM GUARDIANSHIP, CONSERVATORSHIP, AND OTHER PROTECTIVE ARRANGEMENTS ACT**

The Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGCOPAA) is a guardianship law suitable for the twenty-first century. It should be adopted in every state because:

- ***UGCOPAA encourages person-centered planning.*** Under UGCOPAA, courts will develop an individualized plan for each person’s protection, and monitor the guardian or conservator for compliance with the plan.
- ***UGCOPAA promotes independence.*** UGCOPAA requires courts to order the least restrictive alternative that will offer adequate protection. Less restrictive options include limited guardianship and conservatorship, temporary arrangements, orders for a single-transaction, and assisted decision-making.
- ***UGCOPAA helps conserve court resources.*** To minimize the cost of monitoring guardians and conservators, courts can require notice of certain suspect actions to be sent to family members or friends of a person subject to guardianship, who act as the court’s eyes and ears to prevent abuse.
- ***UGCOPAA protects legal rights.*** Persons subject to a guardianship or conservatorship order must be given notice of certain key rights, including the right to receive independent legal counsel and the right to have the order modified or rescinded when appropriate. Guardians and conservators are prohibited from charging fees for opposing the alteration or termination of orders.
- ***UGCOPAA provides clear guidance to guardians and conservators.*** UGCOPAA includes a list of applicable fiduciary duties and provides clear standards for making decisions.
- ***UGCOPAA helps prevent isolation.*** A guardian may not restrict family members and friends from visiting or communicating with the person subject to guardianship for more than one week without a court order. The guardian is required under UGCOPAA to notify interested persons of any change in residence or significant change in health status.
- ***UGCOPAA was created by guardianship experts.*** Organizations involved in the drafting process included AARP, the Alzheimer’s Association, the National Guardianship Association, the National Center for State Courts, the National College of Probate Judges, the Arc, the ABA Commission on Law and Aging, the National Academy of Elder Law Attorneys, and the National Disability Rights Network.

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