



Angela M. Ordoñez
CHIEF JUSTICE

THE COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
ADMINISTRATIVE OFFICE
JOHN ADAMS COURTHOUSE
PEMBERTON SQUARE, MEZZANINE
BOSTON, MA 02108

Tel. (617) 788-6600
Fax (617) 788-8995

NOTICE

Probate and Family Court Announces New Legislation on Interstate Adult Guardianship and Conservatorship Proceedings

Probate and Family Court Department Chief Justice Angela M. Ordoñez has announced implementation of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) in Massachusetts. (Chapter 225 of the Acts of 2014, G.L.c.190B §5A.)

Effective January 1, 2015, this Act will accomplish the following:

- 1) Creation of a method to determine which state should address adult guardianship and protective (i.e. conservatorship) proceedings when a person may have significant contacts in more than one jurisdiction;
- 2) Creation of a uniform and comprehensive procedure to transfer an adult guardianship or conservatorship action to Massachusetts from another state or country, or, from Massachusetts to another state; and,
- 3) Enable the registration of guardianship and conservatorship authority from another state, securing recognition in the Commonwealth when no further court involvement is anticipated.

In actions where two states may be involved, the Act encourages communication and cooperation.

Under the UAGPPJA, jurisdiction to appoint a guardian or issue a protective order is most often in the respondent's:

- 1) Home state (the state in which s/he has been physically present for at least 6 months); or
- 2) Significant-connection state if (i) there is no home state or the home state has declined jurisdiction, or (ii) no interested person is seeking to act in the home state nor objecting to the petition. Once exercised, jurisdiction is continuing and exclusive.

Special jurisdiction may exist to appoint a guardian in an emergency situation; issue protective orders concerning property located in the Commonwealth, or appoint a guardian or conservator during a transfer proceeding.

A Massachusetts guardian or conservator may petition the Massachusetts court to transfer the action to another state. Likewise, the Act sets out a process by which Massachusetts may accept a guardianship or conservatorship transferred from another state. Within 90 days of a final order accepting the transfer, the Massachusetts court shall determine whether the guardianship or conservatorship requires modification in order to conform to the laws of the Commonwealth.

Finally, if a guardian or conservator has been appointed in another state and no petition for such appointment is pending in the Commonwealth, the guardian or conservator may, after giving notice of his/her intention to do so, register the order in the Commonwealth by filing the foreign judgment, and certified copies of the order, letters of office and any bond. Upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise all powers authorized in the foreign order of appointment except those powers prohibited under the laws of the Commonwealth.

The appropriate forms are available at <http://www.mass.gov/courts/forms/pfc/pfc-upc-forms-generic.html> ,
Together with a general procedural outline.