

Chapter 35B.

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Article 1.

General Provisions.

§ 35B-1. Short title and legislative purpose.

(a) This Chapter may be cited as the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

(b) The General Assembly of North Carolina finds that there is ambiguity in the law with respect to jurisdiction in guardianship proceedings when more than one state is involved. In order to clarify these jurisdictional concerns and provide the best possible support and protection for incapacitated adults, the Uniform Laws Commission developed the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) for consideration by the states. The majority of states have adopted UAGPPJA, and North Carolina's guardianship system would be enhanced by adopting a version of UAGPPJA.

(c) The purpose of this legislation is to provide clear direction to the courts, attorneys, guardians, and individuals about the proper jurisdiction for guardianship proceedings. This Chapter is limited in scope to jurisdiction. The established system in North Carolina for determining incompetency, appointing guardians, and managing estates as governed by Chapter 35A of the North Carolina General Statutes is not affected by this new Chapter.

(d) The public policy goals are as follows:

- (1) To ensure that jurisdiction is located in one and only one state; except when an emergency exists or where the individual owns property in multiple states;
- (2) To establish procedures for transferring guardianship from one state to another state when the incapacitated adult moves; and
- (3) To provide a uniform national system for registration and enforcement of out-of-state guardianship orders. (2016-72, s. 1.)