



# Uniform Law Commission

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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## 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, a guardian or conservator must develop an individualized plan for each person's protection. Family and friends will receive copies of the plan and courts monitor the guardian or conservator for compliance.
- ***UGCOPAA promotes independence.*** UGCOPAA does not allow a court to impose a guardianship or conservatorship if less restrictive alternative, such as supported decision-making, would provide adequate protection. UGCOPAA also creates a mechanism for a court to order a protective arrangement instead of guardianship or conservatorship where a person's needs could be met with this less restrictive option.
- ***UGCOPAA helps leverage court resources.*** 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 terminated when appropriate. Guardians and conservators are limited in their ability to charge fees to oppose 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. Unless the court orders otherwise, 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 include 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.

For further information about UGCOPAA, please contact ULC Chief Counsel Benjamin Orzeske at (312) 450-6621 or [borzeske@uniformlaws.org](mailto:borzeske@uniformlaws.org).

The ULC is a nonprofit formed in 1892 to create nonpartisan state legislation. Over 350 volunteer commissioners—lawyers, judges, law professors, legislative staff, and others—work together to draft laws ranging from the Uniform Commercial Code to acts on property, trusts and estates, family law, criminal law and other areas where uniformity of state law is desirable.