

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB85**

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**Hearing Date:** Thursday January 20, 2011  
**Committee On:** Judiciary  
**Introducer:** Karpisek  
**One Liner:** Adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

**Aye:** 8 Senators Ashford, Coash, Council, Harr, Larson, Lathrop, Lautenbaugh, McGill  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Proponents:**

ERIC FISH  
TERESA STITCHER FRITZ

**Representing:**

UNIFORM LAW COMMISSION  
ALZHEIMER'S ASSOCIATION

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Legislative Bill 85 would enact the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. The Act would address issues relating to multiple jurisdiction, transfer, and out-of-state recognition of adult guardianship and protective proceedings. In addition, LB 85 would facilitate communication and cooperation between courts in different states about adult guardianship.

The Act would provide the following:

- Uniform definitions.
  - A three-level priority system to identify the state's court with jurisdiction to appoint a guardian or conservator or enter another protective order. The Home State has primary jurisdiction followed by the Significant-connection State and then another state if the Home State and the Significant-connection State decline jurisdiction or is the ward does not have a Home State and the Significant-connection State.
  - In an emergency, the court is a state where the individual is physically present or where the property is located has special jurisdiction to appoint a guardian or conservator.
  - Once a court has jurisdiction, it continues until the proceeding is terminated or the appointment or order expires.
  - The court may decline jurisdiction upon determining the court of another state is a more appropriate forum based on specified factors.
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- Regulation of communication between courts in different states and taking testimony in another state.
  - Procedures for transferring a guardianship or conservatorship to another state. Orders are required from both the transferring court and the accepting court.
  - Procedures for registering orders in another state to facilitate enforcement of such orders.
  - Lowers the age of majority from 19 to 18 for purposes of this Act and in statute sections related to guardianships and conservatorships in Chapter 26.
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Brad Ashford, Chairperson