

SESSION OF 2010

SUPPLEMENTAL NOTE ON SENATE BILL NO. 372

As Recommended by Senate Committee on
Judiciary

Brief*

SB 372 would require that orders establishing and governing a guardianship or conservatorship, or both, issued by a court of competent jurisdiction of any other state, regardless of the specific terminology used in that state's laws, be given full faith and credit within Kansas, except when doing so would be in specific violation of any Kansas law.

In addition, the bill would require the petition for guardianship or conservatorship to include information about where a proposed ward or conservatee has lived during the previous five years and contact information for the persons with whom the ward or conservatee lived. The bill also would require the petition to include the name and address of any person or agency having custody or assumed responsibility for a proposed ward or conservatee, and the circumstances under which the proposed ward or conservatee came into the person's or agency's care or control.

Background

The Kansas Judicial Council (KJC) was asked to review 2009 SB 235, a bill to enact the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) during the 2009 Interim. The KJC agreed to undertake the study and assigned the bill to the Guardianship and Conservatorship Advisory Committee. The Committee stated the UAGPPJA is intended to address three main problems: multiple state

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

jurisdiction, transfer of cases between states, and recognition and enforcement of guardianship and conservatorship orders between states. The Committee concluded that the UAGPPJA is not needed in Kansas because Kansas law already addresses the issues covered by the UAGPPJA and Kansas is not experiencing the kinds of problems intended to be corrected by the UAGPPJA. Instead, the Committee recommended adoption of SB 372 to improve Kansas law regarding guardianship and conservatorship.

The proponents of the bill who presented testimony in the Senate Committee hearing were representatives of the Kansas Judicial Council, the Kansas Council on Developmental Disabilities, and Community Living Opportunities.

There were no opponents of the bill who presented testimony in the Senate Committee hearing.

The fiscal note provided on this bill, as introduced, states both the Kansas Guardianship Program and the Office of Judicial Administration indicate that passage of SB 372 would have no fiscal effect on their operations.