

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 1720

**PRINTER'S NO.** 2589

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

June 24, 2011

**PRIME SPONSOR**

Representative Hennessey

**HISTORY OF BILL**

Referred to AGING AND OLDER ADULT SERVICES, June 24, 2011

Reported as amended, Oct. 19, 2011

First consideration, Oct. 19, 2011

Laid on the table, Oct. 19, 2011

Removed from table, Oct. 24, 2011

Second consideration, Oct. 25, 2011

Re-committed to APPROPRIATIONS, Oct. 25, 2011

Re-reported as committed, Oct. 26, 2011

Third consideration and final passage, Oct. 26, 2011 (196-0)  
(Remarks see House Journal Page 2110-2111), Oct. 26, 2011

In the Senate

Referred to AGING AND YOUTH, Oct. 31, 2011

Reported as committed, March 27, 2012

First consideration, March 27, 2012

Re-referred to APPROPRIATIONS, April 30, 2012

Re-reported as committed, June 4, 2012

**DESCRIPTION AND PURPOSE OF BILL**

House Bill (HB) 1720 amends Title 20 (Descendents, Estates and Fiduciaries) by adding a process to address jurisdiction for multistate uniform adult guardianship and protective order proceedings. This legislation would create a new chapter 59, entitled Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act under Title 20. HB 1720 is based upon a model statute from the National Conference of Commissioners on Uniform State Laws that has been adopted by 30 other states.

# **SENATE APPROPRIATIONS COMMITTEE**

## **FISCAL NOTE**

HB 1720 would establish the structure to determine guardian/conservators, and protective orders between states, to transfer guardianship and authority of the guardian/protective order and for communications regarding such cases between PA courts and those in other states. Only one state would have jurisdiction at any one time over these proceedings. Pennsylvania's current process for determining guardianship (Chapter 55 of Title 20) would not be affected by this legislation.

The legislation includes provisions regarding the following:

- Subchapter A-international application, communication and cooperation between courts, taking testimony in another state;
- Subchapter B-exclusive jurisdictional basis for PA court to appoint a guardian/issue a protective order, jurisdictions (significant-connection, special, exclusive and continuing, appropriate forums, decline by reason of conduct), notices of proceedings, proceedings in more than one state;
- Subchapter C- guardianship or conservatorship-ability to petition to transfer to another state and to accept from another state;
- Subchapter D-to register and recognize guardianship and protective orders from other states in this state by filing as a foreign judgment;
- Subchapter E-promoting uniform application of provisions and allowing for use of electronic delivery (for example signatures, contracts) as authorized by federal law.

This act shall take effect in 60 days.

### **FISCAL IMPACT:**

House Bill 1720 will have no negative fiscal impact to the Commonwealth.