

# 2001 SESSION

INTRODUCED  
REPRINT

012216772

## HOUSE BILL NO. 1578

Offered January 10, 2001

Prefiled October 18, 2000

*A BILL to amend and reenact § 37.1-134.10 of the Code of Virginia, relating to personal service in guardianship cases.*

Patron—Howell

Referred to Committee for Courts of Justice

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 37.1-134.10 of the Code of Virginia is amended and reenacted as follows:**

§ 37.1-134.10. Notice of hearing; jurisdictional.

A. Upon the filing of the petition, the court shall promptly set a date, time and location for a hearing. The respondent shall be given reasonable notice of the hearing. The respondent may not waive notice, and a failure to properly notify the respondent shall be jurisdictional.

B. A respondent, whether or not he resides in the Commonwealth, shall be personally served with the notice, a copy of the petition, and a copy of the order appointing a guardian ad litem pursuant to § 37.1-137.9. *A certification, in the guardian ad litem's report required by subsection B of § 37.1-134.9, that the guardian ad litem personally served the respondent with the notice, a copy of the petition and a copy of the order appointing a guardian ad litem shall constitute valid personal service for purposes of this section.*

C. A copy of the notice, together with a copy of the petition, shall be mailed by first class mail by the petitioner, at least seven days before the hearing, to all adult individuals and to all entities whose names and post office addresses appear in the petition. For good cause shown, the court may waive the advance notice required by this subsection. If the advance notice is waived, the petitioner shall promptly mail, by first class mail, a copy of the petition and any order entered to those individuals and entities.

D. The notice to the respondent shall include a brief statement in at least fourteen-point type of the purpose of the proceedings, and shall inform the respondent of the right to be represented by counsel pursuant to § 37.1-134.12 and to a hearing pursuant to § 37.1-134.13. Additionally, the notice shall include the following statement in conspicuous, bold print:

#### **WARNING**

**AT THE HEARING YOU MAY LOSE MANY OF YOUR RIGHTS. A GUARDIAN MAY BE APPOINTED TO MAKE PERSONAL DECISIONS FOR YOU. A CONSERVATOR MAY BE APPOINTED TO MAKE DECISIONS CONCERNING YOUR PROPERTY AND FINANCES. THE APPOINTMENT MAY AFFECT CONTROL OF HOW YOU SPEND YOUR MONEY, HOW YOUR PROPERTY IS MANAGED AND CONTROLLED, WHO MAKES YOUR MEDICAL DECISIONS, WHERE YOU LIVE, WHETHER YOU ARE ALLOWED TO VOTE, AND OTHER IMPORTANT RIGHTS.**

E. The petitioner shall file with the clerk of the circuit court a statement of compliance with subsections B, C and D.

INTRODUCED

HB1578