

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 37.1-134.10 of the Code of Virginia, relating to personal service in*
3 *guardianship cases.*

4 [H 1578]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 37.1-134.10 of the Code of Virginia is amended and reenacted as follows:**

8 § 37.1-134.10. Notice of hearing; jurisdictional.

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

12 B. A respondent, whether or not he resides in the Commonwealth, shall be personally served with
13 the notice, a copy of the petition, and a copy of the order appointing a guardian ad litem pursuant to
14 § 37.1-137.9. *A certification, in the guardian ad litem's report required by subsection B of § 37.1-134.9,*
15 *that the guardian ad litem personally served the respondent with the notice, a copy of the petition and a*
16 *copy of the order appointing a guardian ad litem shall constitute valid personal service for purposes of*
17 *this section.*

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

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

27 WARNING

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

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

ENROLLED

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