

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 37.1-134.17 of the Code of Virginia, relating to standby guardianship.*

3 [H 494]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 37.1-134.17 of the Code of Virginia is amended and reenacted as follows:**

7 § 37.1-134.17. Standby guardianship or conservatorship for incapacitated persons.

8 On petition of one or both parents, *one or more children* or the legal guardian of an incapacitated
 9 ~~child~~ *person* made to the circuit court in which such parent, parents, *child, children* or legal guardian
 10 resides, the court may appoint a standby guardian of the person or a standby conservator of the
 11 property, or both, of the incapacitated ~~child~~ *person*. The appointment of the standby fiduciary shall be
 12 affirmed biennially by the parent, parents, *child, children*, or legal guardian of the ~~child~~ *person* and by
 13 the standby fiduciary prior to his assuming his position as fiduciary by filing with the court an affidavit
 14 which states that the appointee remains available and capable to fulfill his duties.

15 Such standby fiduciary shall without further proceedings be empowered to assume the duties of his
 16 office immediately upon the death or adjudication of incapacity of the last surviving of the parents *or*
 17 *children* of such incapacitated person or of his legal guardian, subject to confirmation of his appointment
 18 by the circuit court within ~~sixty~~ 60 days following assumption of his duties. If the incapacitated person
 19 is ~~eighteen~~ 18 years of age or older, the court, before confirming the appointment of the standby
 20 fiduciary, shall conduct a hearing pursuant to this article. The requirements of the court and the powers,
 21 duties and liabilities which pertain to guardians and conservators govern the confirmation of the standby
 22 fiduciary and shall apply to the standby fiduciary upon the assumption of his duties.

23 For the purposes of this section, the term "~~child of the petitioners person~~" includes ~~the child of~~
 24 ~~biological parents~~, *a child or a parent sharing a biological relationship with one another or having a*
 25 *relationship established by adoption, a relationship established pursuant to Chapter 9 (§ 20-156 et seq.)*
 26 *of Title 20, or a relationship established by a judicial proceeding which establishes parentage or orders*
 27 *legal guardianship. The term includes persons eighteen 18 years of age and over.*

ENROLLED

HB494ER