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HOUSE BILL NO. 855

Offered January 11, 2006
Prefiled January 10, 2006

A BILL to amend and reenact § 37.2-1001 of the Code of Virginia, relating to petitions for guardianship.

Patron—Ebbin

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-1001 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-1001. Filing of petition; jurisdiction; instructions to be provided.

A. A petition for the appointment of a guardian or conservator shall be filed with the circuit court of the county or city in which the respondent is a resident or is located or in which the respondent resided immediately prior to becoming a patient, voluntarily or involuntarily, in a hospital, including a hospital licensed by the Department of Health pursuant to § 32.1-123, or a resident in a nursing facility or nursing home, convalescent home, assisted living facility as defined in § 63.2-100, or any other similar institution or, if the petition is for the appointment of a conservator for a nonresident with property in the state, in the city or county in which the respondent's property is located.

B. Where the petition is brought by the natural parent of the respondent, the petition may be filed no earlier than six months prior to the respondent's eighteenth birthday. Where the petition is brought by any other person, the petition may be filed no earlier than the respondent's eighteenth birthday.

~~B~~*C.* Instructions regarding the duties, powers, and liabilities of guardians and conservators shall be provided to each clerk of court by the Office of the Executive Secretary of the Supreme Court, and the clerk shall provide that information to each guardian and conservator upon notice of appointment.

~~C~~*D.* The circuit court in which the proceeding is first commenced may order a transfer of venue if it would be in the best interest of the respondent.