

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 444

An Act to amend and reenact § 55-34.5 of the Code of Virginia, relating to the Uniform Custodial Trust Act.

[H 1924]

Approved March 20, 1995

Be it enacted by the General Assembly of Virginia:

1. That § 55-34.5 of the Code of Virginia is amended and reenacted as follows:

§ 55-34.5. Transfer to custodial trustee by fiduciary or obligor; facility of payment.

A. Unless otherwise directed by an instrument designating a custodial trustee pursuant to § 55-34.3, a person, including a fiduciary other than a custodial trustee, who holds property of or owes a debt to an incapacitated individual not having a conservator may make a transfer to an adult member of the beneficiary's family or to a trust company as custodial trustee for the use and benefit of the incapacitated individual. If the value of the property or the debt exceeds \$10,000, the transfer is not effective unless authorized by the court.

B. *With court approval, any person, including a conservator, guardian or other fiduciary who holds property of or owes a debt to an incapacitated individual, may make a transfer to any person as a custodial trustee for the use and benefit of the incapacitated individual. The court, in the exercise of its discretion, may require the custodial trustee to furnish a bond with surety for the faithful performance of his fiduciary duties.*

C. A written acknowledgment of delivery, signed by a custodial trustee, is a sufficient receipt and discharge for property transferred to the custodial trustee pursuant to this section.