

1999 SESSION

INTRODUCED

994643661

SENATE BILL NO. 1030

Offered January 19, 1999

A *BILL to amend and reenact § 37.1-134.7 of the Code of Virginia, relating to guardianship and conservatorship.*

Patron—Gartlan

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 37.1-134.7 of the Code of Virginia is amended and reenacted as follows:

§ 37.1-134.7. Filing of petition; jurisdiction; fees.

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 or a resident in a nursing facility or nursing home, convalescent home, state hospital for the mentally ill, adult care residence as defined in § 63.1-172 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. 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.

C. The petitioner shall pay the filing fee as provided in § 14.1-112 (51) and costs. Service fees and courts costs may be waived by the court if it is alleged under oath that the estate of the respondent is unavailable or insufficient. If a guardian or conservator is appointed and the estate of the incapacitated person is available and sufficient therefor, the court shall order that the petitioner be reimbursed from the estate for all costs and fees. *In those cases where a guardian or conservator is not appointed, but where the court determines that the proceedings were brought in good faith, result in a benefit to the respondent or for good cause shown, the court may order that the petitioner be reimbursed from the estate of the respondent for all costs and fees.*

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