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HOUSE BILL NO. 1981

House Amendments in [] — January 22, 2001

A BILL to amend and reenact § 37.1-134.7 of the Code of Virginia, relating to persons selected to be guardians or conservators.

Patron Prior to Engrossment—Delegate Orrock

Referred to Committee on Health, Welfare and Institutions**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; 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 or a resident in a nursing facility or nursing home, convalescent home, state hospital for the mentally ill, assisted living facility 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. ~~[If educational material describing the duties, powers, and liabilities of the respective offices is known to be available, the clerk shall inform the person filing the petition for appointment of a guardian or conservator of the availability of such information. 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 such information to each guardian and conservator upon notice of appointment.]~~

C. 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.

D. The petitioner shall pay the filing fee as provided in subdivision A 43 of § 17.1-275 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.

ENGROSSED

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