

HB 105

FILED

2006 JUN 28 P 2: 24

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

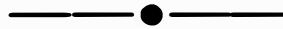
FIRST EXTRAORDINARY SESSION, 2006



ENROLLED

House Bill No. 105

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)
[By Request of the Executive]



Passed June 14, 2006

In Effect from Passage

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OFFICE WEST VIRGINIA
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ENROLLED

H. B. 105

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)
[BY REQUEST OF THE EXECUTIVE]

[Passed June 14, 2006; in effect from passage.]

AN ACT to amend and reenact §44-10-3 of the Code of West Virginia, 1931, as amended, relating to confidentiality of circuit court records involving guardianship of minors.

Be it enacted by the Legislature of West Virginia:

That §44-10-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 10. GUARDIANS AND WARDS GENERALLY.

§44-10-3. Appointment and revocation of guardian by county commission.

1 (a) The circuit court or family court of the county in which
2 the minor resides, or if the minor is a nonresident of the state,
3 the county in which the minor has an estate, may appoint as the
4 minor's guardian a suitable person. The father or mother shall
5 receive priority. However, in every case, the competency and
6 fitness of the proposed guardian and the welfare and best

US S 77 interests of the minor shall be given precedence by the court
8 when appointing the guardian.

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STATE OF Y. 1872
9 (b) Within five days of the filing of a petition for the
10 appointment of a guardian, the circuit clerk shall notify the
11 court. The court shall hear the petition for the appointment of
12 a guardian within ten days after the petition is filed.

13 (c) The court, the guardian or the minor may revoke or
14 terminate the guardianship appointment when:

15 (1) The minor reaches the age of eighteen and executes a
16 release stating that the guardian estate was properly adminis-
17 tered and that the minor has received the assets of the estate
18 from the guardian;

19 (2) The guardian or the minor dies;

20 (3) The guardian petitions the court to resign and the court
21 enters an order approving the resignation; or

22 (4) A petition is filed by the guardian, the minor, an
23 interested person or upon the motion of the court stating that the
24 minor is no longer in need of the assistance or protection of a
25 guardian.

26 (d) A guardianship may not be terminated by the court if
27 there are any assets in the estate due and payable to the minor:
28 *Provided*, That another guardian may be appointed upon the
29 resignation of a guardian whenever there are assets in the estate
30 due and payable to the minor.

31 (e) Other than court orders and case indexes, all other
32 records of a guardian proceeding involving a minor are confi-
33 dential and shall not be disclosed to anyone who is not a party
34 to the proceeding, counsel of record for the proceeding or
35 presiding over the proceeding absent a court order permitting
36 examination of such records.


That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

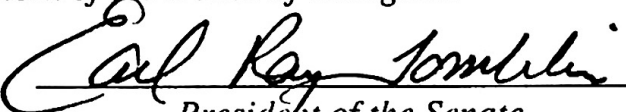

Chairman House Committee

Originating in the House.

In effect from passage.

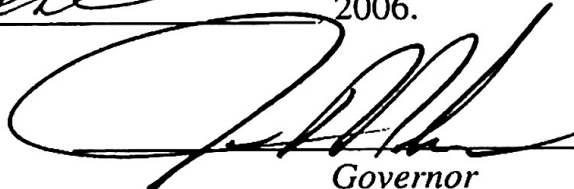

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 28th
day of June 2006.


Governor

PRESENTED TO THE
GOVERNOR

JUN 19 2006

Time 10:15 AM