

## WEST VIRGINIA CODE: §44A-5-6

### **§44A-5-6. Further proceedings to determine permanent guardianship.**

- (a) If the triggering event was death of the qualified parent, the standby guardian shall within ninety days of such death, petition for appointment of a guardian for the child as otherwise provided by law or may initiate proceedings to determine legal and physical custody of the child pursuant to article four, chapter forty-eight, or both.
- (b) In all other cases a standby guardian shall promptly after occurrence of the triggering event initiate such proceedings to determine guardianship and custody, absent objection by the qualified parent.
- (c) The petition shall be accompanied by:
  - (1) The circuit court's order approving the standby guardian or the qualified parent's written designation of the standby guardian; and
  - (2) (i) The attending physician's written determination of incompetence or debilitation; or (ii) certificate of death.