

SB 664

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



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COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 664

(By Senator Wooten)



PASSED MARCH 11, 1999
In Effect NINETY DAYS FROM Passage

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ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 664

(SENATOR WOOTON, *original sponsor*)

[Passed March 11, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article ten, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the appointment and termination of guardians by county commissions.

Be it enacted by the Legislature of West Virginia:

That section three, article ten, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, 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 county commission of the county in which the
2 minor resides, or if the minor is a nonresident of the state,
3 the county in which the minor has an estate, may appoint
4 as the minor's guardian a suitable person. The father or
5 mother shall receive priority. However, in every case, the
6 competency and fitness of the proposed guardian and the
7 welfare and best interests of the minor shall be given
8 precedence by the court when appointing the guardian.

9 (b) The county commission, the guardian, or the minor
10 may revoke or terminate the guardianship appointment
11 when:

12 (1) The minor reaches the age of eighteen and executes a
13 release stating that the guardian estate was properly
14 administered and that the minor has received the assets of
15 the estate from the guardian;

16 (2) The guardian or the minor dies;

17 (3) The guardian petitions the county commission to
18 resign and the county commission enters an order approv-
19 ing the resignation; or

20 (4) A petition is filed by the guardian, the minor, an
21 interested person or upon the motion of the county com-
22 mission stating that the minor is no longer in need of the
23 assistance or protection of a guardian.

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

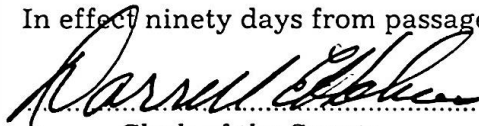
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

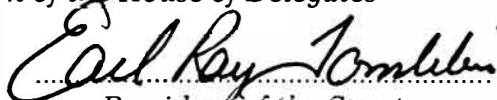

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Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

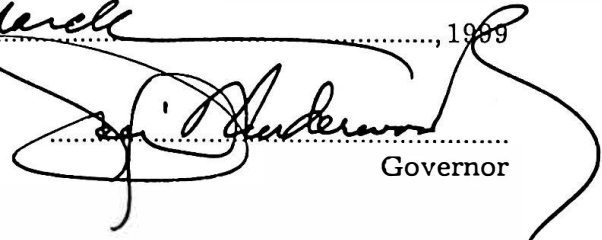

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within approved this the 30th
Day of March, 1999


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Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/99

Time 1:55 pm