WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1999

ENROLLED

Committee Substitute for
SENATE BILL NO. 664

(By Senator Worton)

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.
(a) The county commission of the county in which the
minor resides, or if the minor is a nonresident of the state,
the county in which the minor has an estate, may appoint
as the minor’s guardian a suitable person. The father or
mother shall receive priority. However, in every case, the
competency and fitness of the proposed guardian and the
welfare and best interests of the minor shall be given
precedence by the court when appointing the guardian.

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

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

(2) The guardian or the minor dies;

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

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

(c) A guardianship shall not be terminated by the county
commission if there are any assets in the estate due and
payable to the minor: Provided, That another guardian
may be appointed upon the resignation of a guardian
whenever there are assets in the estate due and payable to
the minor.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 30th Day of March, 1989

Governor
PRESENTED TO THE
GOVERNOR
Date
2/25/99
Time
1:55 pm