WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED

Committee Substitute for
SENATE BILL NO. 554

(By Senator Fanning)

PASSED March 13, 2004

In Effect 90 days from Passage
AN ACT to amend and reenact §44A-4-5 of the code of West Virginia, 1931, as amended, relating to continuing the guardianship or conservatorship of protected persons; and continuing the authority of a guardian or conservator for limited decisionmaking regarding the body of a deceased protected person.

Be it enacted by the Legislature of West Virginia:

That §44A-4-5 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 4. TERMINATION, REVOCATION AND MODIFICATION OF APPOINTMENTS.

§44A-4-5. Termination of guardianship or conservatorship of protected person - When authorized.
A guardianship or conservatorship of a protected person shall terminate upon the death of the protected person:

Provided, That in the absence of an advanced directive or preneed burial or cremation contract, after the death of the protected person, a guardian or a conservator, if there is no guardian, shall continue to have authority to make decisions regarding the body of the deceased protected person for the purposes of authorizing an autopsy and making funeral arrangements. The guardian's or conservator's authority shall continue until an executor or executrix or an administrator or administratrix has been appointed. A guardianship or conservatorship shall terminate whenever jurisdiction is transferred to another state or if ordered by the court following a hearing on the petition of any interested person. In the case of a missing person, a conservatorship shall terminate when the person's death is established by the production of a certified death certificate, the person is presumed dead pursuant to the provisions of article nine, chapter forty-four of this code or the missing person is located.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Greg Butler
Chairman House Committee

Originated 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 is approved this the 5th Day of April 2004.

Governor