

SB 515

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OFFICE WEST VIRGINIA  
STATE

**WEST VIRGINIA LEGISLATURE**

**SEVENTY-NINTH LEGISLATURE**

**REGULAR SESSION, 2009**

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**ENROLLED**

**Senate Bill No. 515**

(BY SENATORS JENKINS, FOSTER, MINARD,  
STOLLINGS, WELLS, CARUTH, SYPOLT AND KESSLER)

[Passed April 11, 2009; in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §44C-1-1, §44C-1-2, §44C-1-3, §44C-1-4, §44C-1-5, §44C-1-6, §44C-2-1, §44C-2-2, §44C-2-3, §44C-2-4, §44C-2-5, §44C-2-6, §44C-2-7, §44C-2-8, §44C-3-1, §44C-3-2, §44C-4-1, §44C-4-2, §44C-4-3, §44C-5-1, §44C-5-2 and §44C-5-3, all relating to enactment of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; defining terms; authorizing a court in this state to treat a foreign country as if it were a state; allowing communication and cooperation between courts for pending guardianship protective proceedings; providing for taking testimony of a witness in another state; establishing jurisdictional basis for guardianship and protective proceedings; providing guidance for determination of jurisdiction between states; providing for special jurisdiction in certain situations; providing for exclusive and continuing jurisdiction for a court that appointed a guardian or issued a protective

order; providing criteria for determining the appropriate forum for guardianship and protective proceedings; authorizing a court to decline jurisdiction because of unjustifiable conduct; providing for additional notice of proceedings between states; determining jurisdiction when there are proceedings in more than one state; providing for transfer of guardianship or conservatorship to another state; providing criteria for accepting transfer of guardianship or conservatorship from another state; providing for registration of guardianship and protective orders; providing that registration of a guardianship or protective order from another state allows the guardian or conservator to exercise his or her powers as allowed by law in this state; requiring consideration of the need to promote uniformity of the law when applying and construing this act; modifying, limiting and superceding certain provisions of the federal Electronic Signatures in Global and National Commerce Act; providing that this act applies to certain guardianship and protective proceedings begun on or after passage of the act; and providing that this act applies to certain guardianship and protective proceedings regardless of when they were begun.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new chapter, designated §44C-1-1, §44C-1-2, §44C-1-3, §44C-1-4, §44C-1-5, §44C-1-6, §44C-2-1, §44C-2-2, §44C-2-3, §44C-2-4, §44C-2-5, §44C-2-6, §44C-2-7, §44C-2-8, §44C-3-1, §44C-3-2, §44C-4-1, §44C-4-2, §44C-4-3, §44C-5-1, §44C-5-2 and §44C-5-3, all to read as follows:

**CHAPTER 44C. UNIFORM ADULT GUARDIANSHIP AND  
PROTECTIVE PROCEEDINGS JURISDICTION ACT.**

**ARTICLE 1. GENERAL PROVISIONS.**

**§44C-1-1. Short title.**

1 This chapter may be cited as the Uniform Adult Guard-  
2 ianship and Protective Proceedings Jurisdiction Act and is  
3 cited in this chapter as “this act”.

**§44C-1-2. Definitions.**

1 For purposes of this chapter:

2 (1) “Adult” means an individual who has attained  
3 eighteen years of age.

4 (2) “Conservator” means a person appointed by the  
5 court to administer the property of an adult, including a  
6 person appointed under section one, article one, chapter  
7 forty-four-a of this code.

8 (3) “Emergency” means a circumstance that likely will  
9 result in substantial harm to a respondent’s health, safety  
10 or welfare and for which the appointment of a guardian is  
11 necessary because no other person has authority and is  
12 willing to act on the respondent’s behalf.

13 (4) “Guardian” means a person appointed by the court  
14 to make decisions regarding the person of an adult,  
15 including a person appointed under article two, chapter  
16 forty-four-a of this code.

17 (5) “Guardianship order” means an order appointing a  
18 guardian.

19 (6) “Guardianship proceeding” means a judicial pro-  
20 ceeding in which an order for the appointment of a  
21 guardian is sought or has been issued.

22 (7) “Home state” means the state in which the respon-  
23 dent was physically present, including any period of  
24 temporary absence, for at least six consecutive months  
25 immediately before the filing of a petition for a protective  
26 order or the appointment of a guardian; or if none, the  
27 state in which the respondent was physically present,  
28 including any period of temporary absence, for at least six

29 consecutive months ending within the six months prior to  
30 the filing of the petition.

31 (8) "Incapacitated person" means an adult for whom a  
32 guardian has been appointed.

33 (9) "Party" means the respondent, petitioner, guardian,  
34 conservator or any other person allowed by the court to  
35 participate in a guardianship or protective proceeding.

36 (10) "Person", except in the term "incapacitated person  
37 or protected person", means an individual, corporation,  
38 business trust, estate, trust, partnership, limited liability  
39 company, association, joint venture, public corporation,  
40 government or governmental subdivision, agency, or  
41 instrumentality, or any other legal or commercial entity.

42 (11) "Protected person", for purposes of this chapter  
43 only, means an adult for whom a protective order, as  
44 defined in this section, has been issued. "Protected  
45 person", as used in this chapter, has the meaning ascribed  
46 to it in subsection thirteen-b, section four, article one,  
47 chapter forty-four-a of this code.

48 (12) "Protective order", for purposes of this chapter  
49 only and notwithstanding the meaning which the term  
50 may have outside of this chapter, means an order appoint-  
51 ing a conservator or other order related to management of  
52 an adult's property.

53 (13) "Protective proceeding" means a judicial proceed-  
54 ing in which a protective order, as defined in this section,  
55 is sought or has been issued.

56 (14) "Record" means information that is inscribed on a  
57 tangible medium or that is stored in an electronic or other  
58 medium and is retrievable in perceivable form.

59 (15) "Respondent" means an adult for whom a protec-  
60 tive order or the appointment of a guardian is sought.

61 (16) "Significant-connection state" means a state, other  
62 than the home state, with which a respondent has a  
63 significant connection other than mere physical presence  
64 and in which substantial evidence concerning the respon-  
65 dent is available. In determining whether a respondent  
66 has a significant connection with a particular state, the  
67 court shall consider:

68 (A) The location of the respondent's family and other  
69 persons required to be notified of the guardianship or  
70 protective proceeding;

71 (B) The length of time the respondent at any time was  
72 physically present in the state and the duration of any  
73 absence;

74 (C) The location of the respondent's property; and

75 (D) The extent to which the respondent has ties to the  
76 state such as voting registration, state or local tax return  
77 filing, vehicle registration, driver's license, social relation-  
78 ship and receipt of services.

79 (17) "State" means a state of the United States, the  
80 District of Columbia, Puerto Rico, the United States  
81 Virgin Islands, a federally recognized Indian tribe or any  
82 territory or insular possession subject to the jurisdiction of  
83 the United States.

**§44C-1-3. International application.**

1 A court of this state may treat a foreign country as if it  
2 were a state for the purpose of applying this act.

**§44C-1-4. Communication between courts.**

1 (a) A court of this state may communicate with a court  
2 in another state concerning a proceeding arising under this  
3 act. The court may allow the parties to participate in the  
4 communication. Except as otherwise provided in subsec-  
5 tion (b) of this section, the court shall make a record of the

6 communication. The record may be limited to the fact  
7 that the communication occurred.

8 (b) Courts may communicate concerning schedules,  
9 calendars, court records and other administrative matters  
10 without making a record.

**§44C-1-5. Cooperation between courts.**

1 (a) In a guardianship or protective proceeding in this  
2 state, a court of this state may request the appropriate  
3 court of another state to do any of the following:

4 (1) Hold an evidentiary hearing;

5 (2) Order a person in that state to produce evidence or  
6 give testimony pursuant to procedures of that state;

7 (3) Order that an evaluation or assessment be made of  
8 the respondent;

9 (4) Order any appropriate investigation of a person  
10 involved in a proceeding;

11 (5) Forward to the court of this state a certified copy of  
12 the transcript or other record of a hearing under subdivi-  
13 sion (1) of this subsection or any other proceeding, any  
14 evidence otherwise produced under subdivision (2) of this  
15 subsection and any evaluation or assessment prepared in  
16 compliance with an order under subdivision (3) or (4) of  
17 this subsection;

18 (6) Issue any order necessary to assure the appearance  
19 in the proceeding of a person whose presence is necessary  
20 for the court to make a determination, including the  
21 respondent or the incapacitated or protected person;

22 (7) Issue an order authorizing the release of medical,  
23 financial, criminal or other relevant information in that  
24 state, including protected health information as defined in  
25 45 C. F. R. Section 164.504, as amended.

26 (b) If a court of another state in which a guardianship  
27 or protective proceeding is pending requests assistance of  
28 the kind provided in subsection (a) of this section, a court  
29 of this state has jurisdiction for the limited purpose of  
30 granting the request or making reasonable efforts to  
31 comply with the request.

**§44C-1-6. Taking testimony in another state.**

1 (a) In a guardianship or protective proceeding, in  
2 addition to other procedures that may be available,  
3 testimony of a witness who is located in another state may  
4 be offered by deposition or other means allowable in this  
5 state for testimony taken in another state. The court on its  
6 own motion may order that the testimony of a witness be  
7 taken in another state and may prescribe the manner in  
8 which and the terms upon which the testimony is to be  
9 taken.

10 (b) In a guardianship or protective proceeding, a court  
11 in this state may permit a witness located in another state  
12 to be deposed or to testify by telephone or audiovisual or  
13 other electronic means. A court of this state shall cooper-  
14 ate with the court of the other state in designating an  
15 appropriate location for the deposition or testimony.

16 (c) Documentary evidence transmitted from another  
17 state to a court of this state by technological means that  
18 do not produce an original writing may not be excluded  
19 from evidence on an objection based on the best evidence  
20 rule.

**ARTICLE 2. JURISDICTION.**

**§44C-2-1. Exclusive basis.**

1 Other provisions of this code notwithstanding, this  
2 article provides the exclusive jurisdictional basis for a  
3 court of this state to appoint a guardian or issue a protec-  
4 tive order for an adult.



**§44C-2-2. Determination of jurisdiction.**

1 A court of this state has jurisdiction to appoint a  
2 guardian or issue a protective order for a respondent if:

3 (1) This state is the respondent's home state;

4 (2) On the date the petition is filed, this state is a  
5 significant-connection state and:

6 (A) The respondent does not have a home state or a  
7 court of the respondent's home state has declined to  
8 exercise jurisdiction because this state is a more appropri-  
9 ate forum; or

10 (B) The respondent has a home state, a petition for an  
11 appointment or order is not pending in a court of that  
12 state or another significant-connection state and, before  
13 the court makes the appointment or issues the order:

14 (i) A petition for an appointment or order is not filed in  
15 the respondent's home state;

16 (ii) An objection to the court's jurisdiction is not filed  
17 by a person required to be notified of the proceeding; and

18 (iii) The court in this state concludes that it is an  
19 appropriate forum under the factors set forth in section  
20 five of this article;

21 (3) This state does not have jurisdiction under either  
22 subdivision (1) or (2) of this section, the respondent's home  
23 state and all significant-connection states have declined to  
24 exercise jurisdiction because this state is the more appro-  
25 priate forum and jurisdiction in this state is consistent  
26 with the constitutions of this state and the United States;  
27 or

28 (4) The requirements for special jurisdiction under  
29 section three of this article are met.

**§44C-2-3. Special jurisdiction.**

1 (a) A court of this state lacking jurisdiction under  
2 section two of this article has special jurisdiction to do any  
3 of the following:

4 (1) Appoint a guardian in an emergency for a term not  
5 exceeding ninety days for a respondent who is physically  
6 present in this state;

7 (2) Issue a protective order with respect to real or  
8 tangible personal property located in this state;

9 (3) Appoint a guardian or conservator for an incapacitated or protected person for whom a provisional order to  
10 transfer the proceeding from another state has been issued  
11 under procedures similar to those provided in section one,  
12 article three of this chapter.  
13

14 (b) If a petition for the appointment of a guardian in an  
15 emergency is brought in this state and this state was not  
16 the respondent's home state on the date the petition was  
17 filed, the court shall dismiss the proceeding at the request  
18 of the court of the home state, if any, whether dismissal is  
19 requested before or after the emergency appointment.

**§44C-2-4. Exclusive and continuing jurisdiction.**

1 Except as otherwise provided in section three of this  
2 article, a court that has appointed a guardian or issued a  
3 protective order consistent with this act has exclusive and  
4 continuing jurisdiction over the proceeding until it is  
5 terminated by the court or the appointment or order  
6 expires by its own terms.

**§44C-2-5. Appropriate forum.**

1 (a) A court of this state having jurisdiction under  
2 section one, article one, chapter forty-four-a of this code  
3 or section two of this article to appoint a guardian or issue  
4 a protective order may decline to exercise its jurisdiction

5 if it determines at any time that a court of another state is  
6 a more appropriate forum.

7 (b) If a court of this state declines to exercise its juris-  
8 diction under subsection (a) of this section, it shall either  
9 dismiss or stay the proceeding. The court may impose any  
10 condition the court considers just and proper, including  
11 the condition that a petition for the appointment of a  
12 guardian or issuance of a protective order be filed  
13 promptly in another state.

14 (c) In determining whether it is an appropriate forum,  
15 the court shall consider all relevant factors, including:

16 (1) Any expressed preference of the respondent;

17 (2) Whether abuse, neglect or exploitation of the  
18 respondent has occurred or is likely to occur and which  
19 state could best protect the respondent from the abuse,  
20 neglect or exploitation;

21 (3) The length of time the respondent was physically  
22 present in or was a legal resident of this or another state;

23 (4) The distance of the respondent from the court in  
24 each state;

25 (5) The financial circumstances of the respondent's  
26 estate;

27 (6) The nature and location of the evidence;

28 (7) The ability of the court in each state to decide the  
29 issue expeditiously and the procedures necessary to  
30 present evidence;

31 (8) The familiarity of the court of each state with the  
32 facts and issues in the proceeding; and

33 (9) If an appointment were made, the court's ability to  
34 monitor the conduct of the guardian or conservator.

**§44C-2-6. Jurisdiction declined by reason of conduct.**

1 (a) If at any time a court of this state determines that it  
2 acquired jurisdiction to appoint a guardian or issue a  
3 protective order because of unjustifiable conduct, the  
4 court may:

5 (1) Decline to exercise jurisdiction;

6 (2) Exercise jurisdiction for the limited purpose of  
7 fashioning an appropriate remedy to ensure the health,  
8 safety and welfare of the respondent or the protection of  
9 the respondent's property or prevent a repetition of the  
10 unjustifiable conduct, including staying the proceeding  
11 until a petition for the appointment of a guardian or  
12 issuance of a protective order is filed in a court of another  
13 state having jurisdiction; or

14 (3) Continue to exercise jurisdiction after considering:

15 (A) The extent to which the respondent and all persons  
16 required to be notified of the proceedings have acquiesced  
17 in the exercise of the court's jurisdiction;

18 (B) Whether it is a more appropriate forum than the  
19 court of any other state under the factors set forth in  
20 subsection (c), section five of this article; and

21 (C) Whether the court of any other state would have  
22 jurisdiction under factual circumstances in substantial  
23 conformity with the jurisdictional standards of section  
24 two of this article.

25 (b) If a court of this state determines that it acquired  
26 jurisdiction to appoint a guardian or issue a protective  
27 order because a party seeking to invoke its jurisdiction  
28 engaged in unjustifiable conduct, it may assess against  
29 that party necessary and reasonable expenses, including  
30 attorney's fees, investigative fees, court costs, communica-  
31 tion expenses, witness fees and expenses, and travel

32 expenses. The court may not assess fees, costs or expenses  
33 of any kind against this state or a governmental subdivi-  
34 sion, agency or instrumentality of this state unless autho-  
35 rized by law other than this act.

**§44C-2-7. Notice of proceeding.**

1 If a petition for the appointment of a guardian or  
2 issuance of a protective order is brought in this state and  
3 this state was not the respondent's home state on the date  
4 the petition was filed, in addition to complying with the  
5 notice requirements of this state, notice of the petition  
6 must be given to those persons who would be entitled to  
7 notice of the petition if a proceeding were brought in the  
8 respondent's home state. The notice must be given in the  
9 same manner as notice is required to be given in this state.

**§44C-2-8. Proceedings in more than one state.**

1 Except for a petition for the appointment of a guardian  
2 in an emergency or issuance of a protective order limited  
3 to property located in this state under section three of this  
4 article, if a petition for the appointment of a guardian or  
5 issuance of a protective order is filed in this state and in  
6 another state and neither petition has been dismissed or  
7 withdrawn, the following rules apply:

8 (1) If the court in this state has jurisdiction under  
9 section two of this article, it may proceed with the case  
10 unless a court in another state acquires jurisdiction under  
11 provisions similar to said section before the appointment  
12 or issuance of the order.

13 (2) If the court in this state does not have jurisdiction  
14 under section two of this article, whether at the time the  
15 petition is filed or at any time before the appointment or  
16 issuance of the order, the court shall stay the proceeding  
17 and communicate with the court in the other state. If the  
18 court in the other state has jurisdiction, the court in this

19 state shall dismiss the petition unless the court in the other  
20 state determines that the court in this state is a more  
21 appropriate forum.

**ARTICLE 3. TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP.**

**§44C-3-1. Transfer to another state.**

1 (a) A guardian or conservator appointed in this state  
2 may petition the court to transfer the guardianship or  
3 conservatorship to another state.

4 (b) Notice of a petition under subsection (a) of this  
5 section must be given to the persons who would be entitled  
6 to notice of a petition in this state for the appointment of  
7 a guardian or conservator.

8 (c) On the court's own motion or on request of the  
9 guardian or conservator, the incapacitated or protected  
10 person, or other person required to be notified of the  
11 petition, the court shall hold a hearing on a petition filed  
12 pursuant to subsection (a) of this section.

13 (d) The court shall issue an order provisionally granting  
14 a petition to transfer a guardianship and shall direct the  
15 guardian to petition for guardianship in the other state if  
16 the court is satisfied that the guardianship will be ac-  
17 cepted by the court in the other state and the court finds  
18 that:

19 (1) The incapacitated person is physically present in or  
20 is reasonably expected to move permanently to the other  
21 state;

22 (2) An objection to the transfer has not been made or, if  
23 an objection has been made, the objector has not estab-  
24 lished that the transfer would be contrary to the interests  
25 of the incapacitated person; and

26 (3) Plans for care and services for the incapacitated  
27 person in the other state are reasonable and sufficient.

28 (e) The court shall issue a provisional order granting a  
29 petition to transfer a conservatorship and shall direct the  
30 conservator to petition for conservatorship or a protective  
31 order in the other state if the court is satisfied that the  
32 conservatorship will be accepted by the court of the other  
33 state and the court finds that:

34 (1) The protected person is physically present in or is  
35 reasonably expected to move permanently to the other  
36 state or the protected person has a significant connection  
37 to the other state;

38 (2) An objection to the transfer has not been made or, if  
39 an objection has been made, the objector has not estab-  
40 lished that the transfer would be contrary to the interests  
41 of the protected person; and

42 (3) Adequate arrangements will be made for manage-  
43 ment of the protected person's property.

44 (f) The court shall issue a final order confirming the  
45 transfer and terminating the guardianship or conserva-  
46 torship upon its receipt of:

47 (1) A provisional order accepting the proceeding from  
48 the court to which the proceeding is to be transferred  
49 which is issued under provisions similar to section two of  
50 this article; and

51 (2) The documents required to terminate a guardianship  
52 or conservatorship in this state.

**§44C-3-2. Accepting guardianship or conservatorship trans-  
ferred from another state.**

1 (a) To confirm transfer of a guardianship or conserva-  
2 torship transferred to this state under provisions similar  
3 to section one of this article, the guardian or conservator  
4 must petition the court in this state to accept the guard-  
5 ianship or conservatorship. The petition must include a

6 certified copy of the other state's provisional order of  
7 transfer.

8 (b) Notice of a petition under subsection (a) of this  
9 section must be given to those persons that would be  
10 entitled to notice if the petition were a petition for the  
11 appointment of a guardian or issuance of a protective  
12 order in both the transferring state and this state. The  
13 notice must be given in the same manner as notice is  
14 required to be given in this state.

15 (c) On the court's own motion or on request of the  
16 guardian or conservator, the incapacitated or protected  
17 person, or other person required to be notified of the  
18 proceeding, the court shall hold a hearing on a petition  
19 filed pursuant to subsection (a) of this section.

20 (d) The court shall issue an order provisionally granting  
21 a petition filed under subsection (a) of this section unless:

22 (1) An objection is made and the objector establishes  
23 that transfer of the proceeding would be contrary to the  
24 interests of the incapacitated or protected person; or

25 (2) The guardian or conservator is ineligible for ap-  
26 pointment in this state.

27 (e) The court shall issue a final order accepting the  
28 proceeding and appointing the guardian or conservator as  
29 guardian or conservator in this state upon its receipt from  
30 the court from which the proceeding is being transferred  
31 of a final order issued under provisions similar to section  
32 one of this article transferring the proceeding to this state.

33 (f) Not later than ninety days after issuance of a final  
34 order accepting transfer of a guardianship or conservator-  
35 ship, the court shall determine whether the guardianship  
36 or conservatorship needs to be modified to conform to the  
37 law of this state.



38 (g) In granting a petition under this section, the court  
39 shall recognize a guardianship or conservatorship or  
40 protective order from the other state, including the  
41 determination of the incapacitated or protected person's  
42 incapacity and the appointment of the guardian or conser-  
43 vator.

44 (h) The denial by a court of this state of a petition to  
45 accept a guardianship or conservatorship transferred from  
46 another state does not affect the ability of the guardian or  
47 conservator to seek appointment as guardian or conserva-  
48 tor in this state under article two, chapter forty-four-a of  
49 this code if the court has jurisdiction to make an appoint-  
50 ment other than by reason of the provisional order of  
51 transfer.

**ARTICLE 4. REGISTRATION AND RECOGNITION OF ORDERS FROM  
OTHER STATES.**

**§44C-4-1. Registration of guardianship orders.**

1 If a guardian has been appointed in another state and  
2 a petition for the appointment of a guardian is not pending  
3 in this state, the guardian appointed in the other state,  
4 after giving notice to the appointing court of an intent to  
5 register, may register the guardianship order in this state  
6 by filing as a foreign judgment in a court, in any appropri-  
7 ate county of this state, certified copies of the order and  
8 letters of office.

**§44C-4-2. Registration of protective orders.**

1 If a conservator has been appointed in another state  
2 and a petition for a protective order is not pending in this  
3 state, the conservator appointed in the other state, after  
4 giving notice to the appointing court of an intent to  
5 register, may register the protective order in this state by  
6 filing as a foreign judgment in a court of this state, in any  
7 county in which property belonging to the protected

8 person is located, certified copies of the order and letters  
9 of office and of any bond.

**§44C-4-3. Effect of registration.**

1 (a) Upon registration of a guardianship or protective  
2 order from another state, the guardian or conservator may  
3 exercise in this state all powers authorized in the order of  
4 appointment except as prohibited under the laws of this  
5 state, including maintaining actions and proceedings in  
6 this state and, if the guardian or conservator is not a  
7 resident of this state, subject to any conditions imposed  
8 upon nonresident parties.

9 (b) A court of this state may grant any relief available  
10 under this act and other law of this state to enforce a  
11 registered order.

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§44C-5-1. Uniformity of application and construction.**

1 In applying and construing this uniform act, consider-  
2 ation must be given to the need to promote uniformity of  
3 the law with respect to its subject matter among states  
4 that enact it.

**§44C-5-2. Relation to electronic signatures in Global and  
National Commerce Act.**

1 This act modifies, limits and supersedes the federal  
2 Electronic Signatures in Global and National Commerce  
3 Act, 15 U. S. C. Section 7001, *et seq.*, but does not modify,  
4 limit or supersede Section 101(c) of said act, 15 U. S. C.  
5 Section 7001(c), or authorize electronic delivery of any of  
6 the notices described in Section 103(b) of said act, 15 U. S.  
7 C. Section 7003(b).

**§44C-5-3. Transitional provision.**

1 (a) This act applies to guardianship and protective  
2 proceedings begun on or after the effective date of this

3 chapter as enacted by the seventy-ninth Legislature of  
4 West Virginia in 2009.

5 (b) Articles one, three and four and sections five  
6 hundred one and five hundred two of this article apply to  
7 proceedings begun before the effective date, regardless of  
8 whether a guardianship or protective order has been  
9 issued.

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

*[Handwritten Signature]*

.....  
Chairman Senate Committee

*[Handwritten Signature]*

.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Handwritten Signature]*

.....  
Clerk of the Senate

*[Handwritten Signature]*

.....  
Clerk of the House of Delegates

*[Handwritten Signature]*

.....  
President of the Senate

*[Handwritten Signature]*

.....  
Speaker House of Delegates

The within is approved ..... this the *7<sup>th</sup>* .....  
Day of *May* ....., 2009.

*[Handwritten Signature]*

.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAY 1 2009

Time 2:50 pm