

SB 554

FILED

2004 APR -5 P 3: 39

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

FILED

2004 APR -5 P 3:41

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 554

(SENATOR FANNING, *original sponsor*)

[Passed March 13, 2004; in effect ninety 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.

1 A guardianship or conservatorship of a protected person
2 shall terminate upon the death of the protected person:
3 *Provided*, That in the absence of an advanced directive or
4 preneed burial or cremation contract, after the death of
5 the protected person, a guardian or a conservator, if there
6 is no guardian, shall continue to have authority to make
7 decisions regarding the body of the deceased protected
8 person for the purposes of authorizing an autopsy and
9 making funeral arrangements. The guardian's or conserva-
10 tor's authority shall continue until an executor or execu-
11 trix or an administrator or administratrix has been
12 appointed. A guardianship or conservatorship shall
13 terminate whenever jurisdiction is transferred to another
14 state or if ordered by the court following a hearing on the
15 petition of any interested person. In the case of a missing
16 person, a conservatorship shall terminate when the per-
17 son's death is established by the production of a certified
18 death certificate, the person is presumed dead pursuant to
19 the provisions of article nine, chapter forty-four of this
20 code or the missing person is located.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved this the 5th
Day of April, 2004.
[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

DATE 3/22/04

TIME 4:05 pm