

H. B. 3061

(By Delegate Manchin (By Request))
[Introduced March 22, 2013; referred to the
Committee on the Judiciary.]

A BILL to amend and reenact §44-10-4 of the Code of West Virginia, 1931, as amended, relating to the right of a minor to nominate a guardian; changing the law to require that a minor be sixteen years of age or older rather than the age of fourteen as required under existing law.

Be it enacted by the Legislature of West Virginia:

That §44-10-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 10. GUARDIANS AND WARDS GENERALLY.

§44-10-4. Right of minor to nominate guardian.

(a) If the minor is ~~above the age of fourteen years,~~ sixteen years of age or older, he or she may in the presence of the circuit or family court or in writing acknowledged before ~~any~~ an officer authorized to take the acknowledgment of a deed, nominate his or

1 her own guardian, who, if approved by the court, shall be appointed
2 accordingly.

3 (b) If the guardian nominated by the minor is not appointed by
4 the court, ~~or~~ if the minor resides outside the state or if, after
5 being summoned, the minor neglects to nominate a suitable person,
6 the court may appoint the guardian in the same manner as if the
7 minor were under the age of ~~fourteen~~ sixteen years.

NOTE: The purpose of this bill is to change the age at which
a minor has the right to nominate a guardian from fourteen to
sixteen.

Strike-throughs indicate language that would be stricken from
the present law and underscoring indicates new language that would
be added.