

HOUSE BILL NO. 1212

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Glass)

A BILL to amend and reenact § 64.2-2004 of the Code of Virginia, relating to guardianship and conservatorship; notice of hearing.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 64.2-2004 of the Code of Virginia is amended and reenacted as follows:**

**§ 64.2-2004. Notice of hearing; jurisdictional.**

A. Upon the filing of the petition, the court shall promptly set a date, time, and location for a hearing. The respondent shall be given reasonable notice of the hearing. The respondent may not waive notice, and a failure to properly notify the respondent shall be jurisdictional.

B. A respondent, whether or not he resides in the Commonwealth, shall be personally served with the notice of the hearing, a copy of the petition, and a copy of the order appointing a guardian ad litem pursuant to § 64.2-2003. A certification, in the guardian ad litem's report required by subsection B of § 64.2-2003, that the guardian ad litem personally served the respondent with the notice, a copy of the petition, and a copy of the order appointing a guardian ad litem shall constitute valid personal service for purposes of this section.

C. A copy of the notice, together with a copy of the petition, shall be mailed by first-class mail by the petitioner at least ~~seven~~ 10 days before the hearing to all adult individuals and to all entities whose names and post office addresses appear in the petition. The court, for good cause shown, may waive the advance notice required by this subsection. If the advance notice is waived, the petitioner shall promptly mail by first-class mail a copy of the petition and any order entered to those individuals and entities.

D. Any person may become a party to the proceeding by filing a pleading in accordance with Rule 1:4 of the Rules of the Supreme Court of Virginia. Such person shall mail his pleadings, via first-class

27 mail to the petitioner, any counsel of record, the guardian ad litem, and to all adult individuals and entities  
28 whose names and post office addresses appear in the petition. Such pleading may also be sent via  
29 electronic mail or facsimile to all counsel of record and the guardian ad litem, as well as those adult  
30 individuals and entities whose email addresses or facsimile numbers are known to the person filing the  
31 pleading. If a cross-petition is filed, the petitioner shall file a response to such cross-petition.

32 E. ~~The notice to the respondent~~ shall include a brief statement in at least 14-point type of the  
33 purpose of the proceedings and shall inform the respondent of the right to be represented by counsel  
34 pursuant to § 64.2-2006 and to a hearing pursuant to § 64.2-2007. Additionally, the notice shall include  
35 the following statement in conspicuous, bold print.

36 WARNING TO THE RESPONDENT

37 AT THE HEARING YOU MAY LOSE MANY OF YOUR RIGHTS. A GUARDIAN MAY BE  
38 APPOINTED TO MAKE PERSONAL DECISIONS FOR YOU. A CONSERVATOR MAY BE  
39 APPOINTED TO MAKE DECISIONS CONCERNING YOUR PROPERTY AND FINANCES. THE  
40 APPOINTMENT MAY AFFECT CONTROL OF HOW YOU SPEND YOUR MONEY, HOW YOUR  
41 PROPERTY IS MANAGED AND CONTROLLED, WHO MAKES YOUR MEDICAL DECISIONS,  
42 WHERE YOU LIVE, WHETHER YOU ARE ALLOWED TO VOTE, AND OTHER IMPORTANT  
43 RIGHTS.

44 NOTIFICATION TO OTHERS

45 ANY PERSON MAY BECOME A PARTY TO THIS ACTION BY FILING A PLEADING  
46 WITH THE CIRCUIT COURT IN WHICH THIS CASE IS PENDING. THAT PLEADING MUST BE  
47 MAILED TO THE PETITIONER, ANY COUNSEL OF RECORD, THE GUARDIAN AD LITEM, AND  
48 TO ALL ADULT INDIVIDUALS AND ENTITIES WHOSE NAMES AND POST OFFICE  
49 ADDRESSES APPEAR IN THE PETITION. IN ADDITION, SUCH PLEADING MAY BE SENT BY  
50 MAIL OR FAX TO ANY SUCH PERSONS FOR WHOM SUCH EMAIL ADDRESS OR FAX  
51 NUMBER IS KNOWN.

