

FIRST REGULAR SESSION

HOUSE BILL NO. 818

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KNIGHT.

1761H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 475.035, RSMo, and to enact in lieu thereof one new section relating to venue in guardianship and conservatorship proceedings.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 475.035, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 475.035, to read as follows:

475.035. 1. The venue for the appointment of a guardian or conservator shall be:

(1) In the county in this state where the minor or alleged incapacitated or disabled person is domiciled. **Placement by a court or agency for evaluation, treatment, or residential care does not constitute a choice of domicile by the minor or alleged incapacitated or disabled person;** or

(2) If the minor or alleged incapacitated or disabled person has no domicile in this state, then in the county in which the minor or alleged incapacitated or disabled person ~~actually resides, or if he or she does not reside in any county, then in any county wherein there is any property of the minor or alleged incapacitated or disabled person;~~ or

~~(3) In the county, or on any federal reservation within the county, wherein the minor or alleged incapacitated or disabled person or his or her property is found; or~~

~~(4) In a county of this state which is within a judicial circuit which has prior and continuing jurisdiction over the minor pursuant to subdivision (1) of subsection 1 of section 211.031]~~ **has a significant connection. In determining under this section whether a minor or alleged incapacitated or disabled person has a significant connection, the court shall consider:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (a) Whether a judicial circuit of this state has prior and continuing jurisdiction
18 over the minor or alleged incapacitated or disabled person under chapter 211 or 552;

19 (b) The location of the minor's or alleged incapacitated or disabled person's family
20 and other persons required to be notified of the guardianship or conservatorship;

21 (c) The length of time the minor or alleged incapacitated or disabled person was
22 physically present in the county at any time and the duration of any absence;

23 (d) The location of the minor's or alleged incapacitated or disabled person's
24 property; and

25 (e) The extent to which the minor or alleged incapacitated or disabled person has
26 ties such as voting registration, local tax return filing, vehicle registration, driver's license,
27 social relationships, or receipt of services.

28 2. ~~[If the alleged incapacitated or disabled person has resided in a county other than the~~
29 ~~county of his or her domicile for more than one year, the court of that county may assume venue~~
30 ~~for the purpose of appointment of a guardian or conservator.] In the event the venue for~~
31 ~~purposes of guardianship and conservatorship are in different counties, venue shall be in~~
32 ~~the county of the guardianship.~~

33 3. If proceedings are commenced in more than one county, they shall be stayed except
34 in the county where first commenced until final determination of venue in the county where first
35 commenced. ~~[The proceeding is deemed commenced by the filing of a petition, and the~~
36 ~~proceeding first legally commenced to appoint a conservator of the estate extends to all of the~~
37 ~~property of the protectee in this state.]~~

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