

1 **H. B. 3061**

2  
3 (By Delegate Manchin (By Request))

4 [Introduced March 22, 2013; referred to the  
5 Committee on the Judiciary.]

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10 A BILL to amend and reenact §44-10-4 of the Code of West Virginia,  
11 1931, as amended, relating to the right of a minor to nominate  
12 a guardian; changing the law to require that a minor be  
13 sixteen years of age or older rather than the age of fourteen  
14 as required under existing law.

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

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

18 **ARTICLE 10. GUARDIANS AND WARDS GENERALLY.**

19 **§44-10-4. Right of minor to nominate guardian.**

20 (a) If the minor is ~~above the age of fourteen years,~~ sixteen  
21 years of age or older, he or she may in the presence of the circuit  
22 or family court or in writing acknowledged before ~~any~~ an officer  
23 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.