

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 57
96TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, February 17, 2011, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0115S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 475.115, RSMo, and to enact in lieu thereof one new section relating to public administrators.

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

Section A. Section 475.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 475.115, to read as follows:

475.115. 1. When a guardian or conservator dies, is removed by order of the court, or resigns and his **or her** resignation is accepted by the court, the court shall have the same authority as it has in like cases over personal representatives and their sureties and may appoint another guardian or conservator in the same manner and subject to the same requirements as are herein provided for an original appointment of a guardian or conservator.

2. **A public administrator may request transfer of any case to the jurisdiction of another county by filing a petition for transfer and serving notice on the ward or protectee. If the receiving county meets the venue requirements of section 475.035, the public administrator of the receiving county consents to the transfer, and the ward or protectee does not file an answer opposing the petition for transfer, the court shall transfer the case. If the ward or protectee files an answer opposing the petition for transfer, the court shall hold a hearing to determine whether the case should be transferred. The court with jurisdiction over the receiving county shall, without the necessity of any hearing required by section 475.075, appoint the public administrator of the receiving county as successor guardian and/or successor conservator and issue letters therein. In the case of a**

20 conservatorship, the final settlement of the public administrator's
21 conservatorship shall be filed within thirty days of the court's transfer
22 of the case, in the court with jurisdiction over the original
23 conservatorship, and forwarded to the receiving county upon audit and
24 approval.

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