

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 230
100TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, February 28, 2019, with recommendation that the Senate Committee Substitute do pass.

0886S.04C

ADRIANE D. CROUSE, Secretary.

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Section A. Section 475.035, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 475.035, to read as follows: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, fiduciary, or agency for evaluation, treatment, or residential care shall not constitute a choice of domicile by the minor or alleged incapacitated or disabled person; however, for the purpose of determining domicile, the court may consider the desire or intent of the alleged incapacitated or disabled person to the extent he or she has capacity;** 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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 prior and continuing jurisdiction over the minor pursuant to subdivision (1) of
20 subsection 1 of section 211.031] **has a significant connection. In**
21 **determining under this section whether a minor or alleged**
22 **incapacitated or disabled person has a significant connection, the court**
23 **shall consider:**

24 (a) **Whether a juvenile, criminal, or probate court in a county of**
25 **this state has previously or currently assumed jurisdiction over the**
26 **minor or alleged incapacitated or disabled person under chapter 211 or**
27 **552;**

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

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

34 (d) **The location of the minor's or alleged incapacitated or**
35 **disabled person's property; and**

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

40 2. [If the alleged incapacitated or disabled person has resided in a county
41 other than the county of his or her domicile for more than one year, the court of
42 that county may assume venue for the purpose of appointment of a guardian or
43 conservator] **In the event the venue for purposes of guardianship and**
44 **conservatorship are in different counties, venue shall be in the county**
45 **of the guardianship.**

46 3. If proceedings are commenced in more than one county, they shall be
47 stayed except in the county where first commenced until final determination of
48 venue in the county where first commenced. The proceeding is deemed
49 commenced by the filing of a petition[]; and the proceeding first legally commenced
50 to appoint a conservator of the estate extends to all of the property of the
51 protectee in this state].

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