

FIRST REGULAR SESSION

# SENATE BILL NO. 230

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Pre-filed January 8, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0886S.02I

## 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Section A. Section 475.035, RSMo, is repealed and one new section  
2 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  
2 shall be:

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

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

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

16 (4) In a county of this state which is within a judicial circuit which has  
17 prior and continuing jurisdiction over the minor pursuant to subdivision (1) of  
18 subsection 1 of section 211.031] **has a significant connection. In**  
19 **determining under this section whether a minor or alleged**

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

20 incapacitated or disabled person has a significant connection, the court  
21 shall consider:

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

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

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

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

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

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

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

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