

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 13

Short Title: Nonresident guardian for minor.

(Public)

Sponsors: Representatives Stam; Blue, Pope, and Flaherty.

Referred to: Judiciary.

January 13, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A NONRESIDENT OF NORTH CAROLINA MAY BE APPOINTED AS A GUARDIAN FOR A MINOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 35A-1224(b) reads as rewritten:

"(b) The clerk may appoint as guardian of the person or general guardian only an adult individual who is a resident of the State of North Carolina. individual. A nonresident of North Carolina may be appointed as guardian of the person or general guardian only if he indicates in writing his willingness to submit to the jurisdiction of the North Carolina courts in matters relating to the guardianship and appoints a resident agent approved by the clerk to accept service of process for the guardian in all actions or proceedings with respect to the guardianship. The appointment of the resident agent shall be filed with the clerk, and any agent so appointed shall notify the clerk of any change in the agent's address or legal residence. The clerk may require a nonresident guardian to post a bond or other security for the faithful performance of the guardian's duties."

Sec. 2. G.S. 35A-1230 reads as rewritten:

"§ 35A-1230. **Bond required before receiving property.**

Except as otherwise provided by G.S. 35A-1225(a), no general guardian or guardian of the estate shall be permitted to receive the ward's property until he has given sufficient surety, approved by the clerk, to account for and apply the same under the direction of the court. The clerk shall not require a guardian of the person to post a bond, except as provided in G.S. 35A-1213(b) or G.S. 35A-1224(b) for nonresident guardians."

1           Sec. 3. This act is effective upon ratification.