

By: Representative Gunn

To: Judiciary A

HOUSE BILL NO. 933

1 AN ACT TO AMEND SECTION 93-13-253, MISSISSIPPI CODE OF 1972,
2 TO REVISE PROVISIONS REGARDING NOTICE OF TIME AND PLACE OF HEARING
3 FOR APPOINTMENT OF CONSERVATORS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 93-13-253, Mississippi Code of 1972, is
6 amended as follows:

7 93-13-253. Upon the filing of such petition, the clerk of
8 the court shall set a time and place for hearing and shall cause
9 not less than five (5) days' notice thereof to be given to the
10 person for whom the conservator is to be appointed, except that
11 the court may, for good cause shown, direct that a shorter notice
12 be given. Unless the court finds that the person for whom the
13 conservator is to be appointed is competent and joins in the
14 petition, such notice shall also be given to one (1) relative of
15 the person for whom the conservator is to be appointed residing in
16 Mississippi (other than the petitioner); provided such relative be
17 within the third degree of kinship, preferring first the spouse,
18 unless legally separated, then an ascendant or descendant, then a
19 brother or sister, then an adult niece, nephew, aunt or uncle, it
20 being the intention of the Legislature to require personal service
21 on the person for whom the conservator is to be appointed and one
22 (1) relative (other than the petitioner) residing in Mississippi.
23 If no relative within the third degree of kinship to the person
24 for whom the conservator is to be appointed is found residing in
25 the State of Mississippi, the court may dispense with such notice
26 or designate some other appropriate person to receive such notice,
27 or may appoint a guardian ad litem to receive notice. If the

28 person for whom the conservator is to be appointed is entitled to
29 any benefit, estate or income paid or payable by or through the
30 Veterans' Administration of the United States government, such
31 administration shall also be given such notice.

32 Notice may be by personal service by the sheriff as in
33 service of other process but nothing herein shall be construed to
34 prevent competent persons from accepting notice in person from the
35 clerk or his deputy.

36 **SECTION 2.** This act shall take effect and be in force from
37 and after July 1, 2007.