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HOUSE BILL NO. 216

Offered January 10, 2018

Prefiled December 29, 2017

A *BILL to amend and reenact § 64.2-2020 of the Code of Virginia, relating to annual reports by guardians; report by licensed physician, licensed psychologist, or other licensed professional.*

Patron—Krizek

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-2020 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-2020. Annual reports by guardians.

A. A guardian shall file an annual report in compliance with the filing deadlines in § 64.2-1305 with the local department of social services for the jurisdiction where the incapacitated person then resides. The *annual* report shall be on a form prepared by the Office of the Executive Secretary of the Supreme Court and shall be accompanied by a filing fee of \$5. The local department shall retain the fee in the jurisdiction where the fee is collected for use in the provision of services to adults in need of protection. Within 60 days of receipt of the annual report, the local department shall *review and* file a copy of the *annual* report with the clerk of the circuit court that appointed the guardian, to be placed with the court papers pertaining to the guardianship case. Twice each year the local department shall file with the clerk of the circuit court a list of all guardians who are more than 90 days delinquent in filing an annual report as required by this section. If the guardian is also a conservator, a settlement of accounts shall also be filed with the commissioner of accounts as provided in § 64.2-1305.

B. The *annual* report to the local department of social services shall include:

1. A description of the current mental, physical, and social condition of the incapacitated person;
 2. A description of the *incapacitated* person's living arrangements during the reported period;
 3. The medical, educational, vocational, and other professional services provided to the *incapacitated* person and the guardian's opinion as to the adequacy of the *incapacitated* person's care;
 4. A statement of the frequency and nature of the guardian's visits with and activities on behalf of the *incapacitated* person;
 5. A statement of whether the guardian agrees with the current treatment or habilitation plan;
 6. A recommendation as to the need for continued guardianship, any recommended changes in the scope of the guardianship, and any other information useful in the opinion of the guardian; ~~and~~
 7. The compensation requested and the reasonable and necessary expenses incurred by the guardian; ~~and~~
 8. A report, completed by a licensed physician, licensed psychologist, or other licensed professional skilled in the assessment and treatment of the physical or mental conditions of the incapacitated person who has examined the incapacitated person no more than 90 days prior to the end of the applicable reporting period provided by subsection A, concerning the physical and mental condition of the incapacitated person and the treatment and habilitation needs of the incapacitated person. The report shall be on a form prepared by the Office of the Executive Secretary of the Supreme Court of Virginia.
- The guardian shall certify that the information contained in the *annual* report is true and correct to the best of his knowledge.

C. Upon filing with the clerk of the circuit court by the local department of social services notice that the annual report has not been timely filed in accordance with subsection A, the court may issue a summons or order to show cause why the guardian has failed to file such annual report.

INTRODUCED

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