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HOUSE JOINT RESOLUTION NO. 127

Offered January 8, 2020

Directing the Joint Legislative Audit and Review Commission to study the operations and performance of court-appointed guardians and conservators in the Commonwealth. Report.

Patrons—Roem, Levine, Murphy and Rasoul

Referred to Committee on Rules

WHEREAS, court-appointed guardians are responsible for supervising their wards' medical care, overseeing residential care, monitoring social services benefits, and advocating on behalf of incapacitated persons; and

WHEREAS, court-appointed conservators are responsible for managing the estate and financial affairs of an incapacitated person; and

WHEREAS, court-appointed guardians and conservators support individuals who are incapacitated and in need of assistance in making medical, financial, or daily living decisions and who have no other suitable person to serve as their guardian or conservator; and

WHEREAS, across the nation, there has been a rise in cases of abuse, neglect, and exploitation of elderly and incapacitated persons; and

WHEREAS, the Commonwealth's laws provide limited remedies for the prevention of abuse, neglect, and exploitation of elderly and incapacitated persons; and

WHEREAS, the Commonwealth's laws require limited disclosures of the decisions made by court-appointed guardians on behalf of their wards; and

WHEREAS, there is no complaint process available to submit accusations that a court-appointed guardian has abused, neglected, or exploited an elderly or incapacitated person under the guardian's supervision; and

WHEREAS, some court-appointed guardians have high client caseloads or inadequate training, qualifications, or oversight, making it difficult to provide a high level of supervision and care; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the operations and performance of court-appointed guardians and conservators in the Commonwealth.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) identify the Commonwealth's current laws that help prevent and remedy abuse, neglect, and exploitation of elderly and incapacitated persons; (ii) recommend any changes that should be made to the Commonwealth's laws to better prevent and remedy abuse, neglect, and exploitation of such persons, including instances in which such abuse, neglect, or exploitation is committed by a court-appointed guardian or conservator; (iii) determine and recommend the maximum number of wards per guardian that should be permitted to ensure a high level of oversight and care; (iv) identify appropriate training, qualification, and oversight requirements for court-appointed guardians; (v) determine the types and amount of information that court-appointed guardians should be required to provide when making decisions on behalf of their ward and identify the parties to whom such information should be provided; and (vi) recommend one or more processes that could be implemented to allow for the receipt and investigation of complaints regarding the actions of court-appointed guardians.

All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings by November 30, 2020, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2021 Regular Session of the General Assembly. The executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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