

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 64.2-2003 of the Code of Virginia, relating to guardianship; review of*  
3 *Individualized Education Plan.*

4  
5 Approved

[S 214]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 64.2-2003 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 64.2-2003. Appointment of guardian ad litem.**

9 A. On the filing of every petition for guardianship or conservatorship, the court shall appoint a  
10 guardian ad litem to represent the interests of the respondent. The guardian ad litem shall be paid a fee  
11 that is fixed by the court to be paid by the petitioner or taxed as costs, as the court directs.

12 B. Duties of the guardian ad litem include (i) personally visiting the respondent; (ii) advising the  
13 respondent of rights pursuant to §§ 64.2-2006 and 64.2-2007 and certifying to the court that the  
14 respondent has been so advised; (iii) recommending that legal counsel be appointed for the respondent,  
15 pursuant to § 64.2-2006, if the guardian ad litem believes that counsel for the respondent is necessary;  
16 (iv) investigating the petition and evidence, requesting additional evaluation if necessary, and filing a  
17 report pursuant to subsection C; and (v) personally appearing at all court proceedings and conferences. *If*  
18 *the respondent is between 17 and a half and 21 years of age and has an Individualized Education Plan*  
19 *(IEP), the guardian ad litem shall review such IEP and include the results of his review in the report*  
20 *required by clause (iv).*

21 C. In the report required by clause (iv) of subsection B, the guardian ad litem shall address the  
22 following major areas of concern: (i) whether the court has jurisdiction; (ii) whether a guardian or  
23 conservator is needed; (iii) the extent of the duties and powers of the guardian or conservator; (iv) the  
24 propriety and suitability of the person selected as guardian or conservator after consideration of the  
25 person's geographic location, familial or other relationship with the respondent, ability to carry out the  
26 powers and duties of the office, commitment to promoting the respondent's welfare, any potential  
27 conflicts of interests, wishes of the respondent, and recommendations of relatives; (v) a recommendation  
28 as to the amount of surety on the conservator's bond, if any; and (vi) consideration of proper residential  
29 placement of the respondent.

30 D. A health care provider *and local school division* shall disclose or make available to the guardian  
31 ad litem, upon request, any information, records, and reports concerning the respondent that the guardian  
32 ad litem determines necessary to perform his duties under this section.

ENROLLED

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